UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
IDAHO OPERATIONS OFFICE
950 West Bannock, Suite 900
Boise, Idaho 83702

SEP 08 2016

SUBJECT: Action Memorandum Amendment for Ceiling Increase at the Orofino Asbestos Site, Orofino, Clearwater County, Idaho

FROM: Greg Weigel, Federal On-Scene Coordinator
Emergency Response Unit
Emergency Management Program

THRU: Wally Moon, Manager
Spill Prevention and Removal Unit
Emergency Management Program

TO: Chris D. Field, Manager
Emergency Management Program

SITE ID: 10JN

I. PURPOSE

The purpose of this Action Memorandum Amendment (Amendment) is to document the decision of a ceiling increase for the removal action described herein for the Orofino Asbestos Site in Orofino, Clearwater County, Idaho. If approved, this will be the fifth amendment to the original Action Memorandum, dated September 30, 2010, for the Site.

This Amendment addresses proposed time-critical removal action necessary to ensure protectiveness at the Riverview Construction Asbestos Unit (RCAU) of the Orofino Asbestos Site (Site). The ceiling increase request is for an additional $444,000 which, if approved, will bring the total project ceiling to $3,571,000. The proposed removal action at the Site continues to meet the emergency exemption criteria to the statutory limits on removal actions of 12 months and $2 million.

II. SITE CONDITIONS AND BACKGROUND

The CERCLIS ID is IDN001002885.

A. Site description

The time-critical removal action proposed in this Action Memorandum Amendment addresses construction of a protective cover over asbestos containing soils at the RCAU, located within the property at 12976 Highway 12 in Orofino. RCAU is one of two locations within the Orofino Asbestos Site that contain a large volume of soils contaminated with broken and friable asbestos-cement pipe (ACP), which were collected and placed at the property by Owyhee Construction, Inc. (Owyhee

Construction) in 2010. The other location is the site of an asbestos soil repository located at the Orofino First Baptist Church, where ACP containing soils were consolidated from a number of contaminated properties in Orofino by Environmental Protection Agency (EPA) to mitigate the risk of asbestos exposure resulting from the spread of ACP containing soil also by Owyhee Construction. (see Figure 1). No ACP containing or asbestos contaminated soils were brought to the RCAU by the EPA or other party known to EPA, since the original placement of contaminated material by Owyhee Construction. This proposed action addresses only the RCAU.

1. Site history

The RCAU is an approximately 2-acre area that lies south of Highway 12 and adjacent to King's Discount store in an area of mixed commercial and residential land use, in the Riverside neighborhood of Orofino (see Figure 2). In previous EPA Action Memos, this property was also referred to as a 4.39 acre vacant lot. In 2010, potentially responsible parties (PRPs) deposited an estimated 15,000 to 25,000 cubic yards of excavated soils comingled with broken and friable ACP on the 2-acre area as fill material (see Action Memorandum for Interim Removal Action, dated July 2010). EPA entered into a CERCLA Administrative Order on Consent for Removal Action (AOC) with Owyhee Construction, Inc, Riverview Construction, and the owners of Riverview Construction (Respondents) on August 9, 2010. The AOC documented that the Riverview Construction Asbestos Site was an abandoned lot corresponding to Parcel #RP004550000050A; Township 36N, Range 01E, Section 3 in Orofino, Idaho. A subsequent Action Memorandum and Action Memorandum Amendments for the Orofino Asbestos Site (described below in Section B.1.) identified the Riverview Construction Asbestos Site located at 12976 Highway 12 (corresponding with the legal property description described in the AOC) as part of the larger Orofino Asbestos Site comprised of multiple properties where ACP containing soil was placed by Owyhee Construction.

The AOC documented that in 2009, the Riverside Water and Sewer District in the City of Orofino awarded a contract to Owyhee Construction, Inc. for the completion of water system improvements. The Summary of Work for the project stated that it was anticipated that the contractor would encounter more than 5,000 linear feet of ACP, which was to be abandoned in place. In May 2010 EPA responded to a complaint that Owyhee Construction, Inc. placed excavated soils containing broken pieces of ACP as fill at the Riverview Construction property. An EPA On-Scene Coordinator (OSC) responded in June 2010, and observed many scattered pieces of suspected ACP laying on the ground surface. On August 9, 2010, Respondents signed the AOC with EPA that required that Respondents submit a Work Plan for interim measures to control for fugitive dust from the site that might contain asbestos and install a fence around the RCAU to limit human access and exposure to the materials. A Work Plan was submitted that called for a 4 inch gravel cover over the 2-acre area where ACP containing soils had been deposited. The interim gravel cover and 3-wire fence were installed in August, 2010.

Also in August 2010, the EPA OSC began investigating complaints regarding other properties in Orofino where excavated soils containing ACP were allegedly deposited by the PRPs. A separate Action Memorandum for Emergency Action at the Orofino Asbestos Site was approved on September 30, 2010, for Fund-lead removal action to address asbestos contaminated soils at these other properties. Ultimately, during 2010 and into 2011, another 21 individual properties (in addition to the RCAU) were identified throughout the Orofino area that were contaminated with ACP containing soil. Because of the evolving nature of the Site as additional properties requiring cleanup were identified, the original September 30, 2010 Action Memorandum for the Orofino Asbestos Site was amended twice, in May

2011 and again in July 2011, for change in the scope of activities and to increase the cost ceiling for those activities.

EPA identified that a large volume of ACP material was already deposited at the Orofino First Baptist Church. Due to the sheer volume of material and associated costs for the federally funded removal action at the Orofino Asbestos Site, EPA with consent from the Church consolidated ACP materials from some of the other properties in an engineered repository at the Orofino First Baptist Church. The Church in exchange for agreeing to perform operation and maintenance would gain a large asphalt parking area for their use.

The repository at the First Baptist Church was constructed with a partial asphalt cap and on a slope, which required engineering and construction of a retaining structure. In the winter of 2011-2012, the structure began to deform as a result of an unforeseen buildup of hydraulic pressure behind the wall from heavy snow fall and the unanticipated accumulation of plowed snow on top of the repository. The EPA approved a third Amendment to the Orofino Asbestos Site Action Memo in August 2012, to address the potential failure of the repository retaining wall. Finally, in April 2015, the EPA approved a fourth Amendment to the Orofino Asbestos Site Action Memo to make necessary repairs to the repository cover and finalize post-removal site controls at the property, including improving the drainage and vegetative cover of the dry retention area and repairing settled areas of the asphalt cap. The physical actions are complete at the Church property. To date, the post-removal site controls which include creating and implementing an environmental covenant and Operation and Maintenance Plan on the Church property are still in process. EPA is engaged with Idaho Department of Environmental Quality (IDEQ) representatives to complete these tasks.

On May 14, 2016, the EPA lodged for entry with the U.S. District Court for the District of Idaho a Consent Decree with defendants Owyhee Construction, Inc. and Riverside Water and Sewer District. The Consent Decree required the defendants to pay the EPA $523,000 for past response costs. The Court entered the Consent Decree on August 3, 2016. The Consent Decree identifies 22 properties that make up the Orofino Asbestos Site, including the RCAU at 12976 Highway 12. A portion of the settlement funds from the Consent Decree that were placed in a Superfund Special Account are anticipated to be used for implementation of the removal action described herein, with potentially any balance of funds coming from the Superfund Removal Allowance.

2. Removal Site Evaluation

On March 23, 2016, the EPA OSC conducted a visual inspection of the RCAU property as an initial step to evaluate the protectiveness of the 2010 "interim" cover. IDEQ had earlier identified and provided photographs of two suspected ACP pieces that were on the surface of the ground on the north slope of the repository. The OSC confirmed that there appeared to be exposed ACP on the surface of the repository, on the north slope of the repository where there appeared to be no cover. On April 27, 2016, the EPA returned to the site with START and ERRS contractors, and IDEQ, to thoroughly evaluate the long-term protectiveness of the "interim" cover that was installed by PRPs in 2010. The EPA found that there were exposed ACP containing soils along the slope that forms the northern boundary of the repository, and that the previously placed gravel cover was uneven and less than the design criteria of 4 inches thickness in 10 of 40 test locations. The EPA OSC concluded that additional removal work was necessary at the RCAU to mitigate a potential exposure of the nearby population to asbestos from the Site. The removal action described herein is necessary to ensure that asbestos contaminated soils at the RCAU are isolated beneath a durable protective cover, and that access to the property is sufficiently

restricted to mitigate any potential exposure to nearby area residents, visitors to neighboring properties including the adjacent King's Discount store, or passersby along Highway 12 and the right-of-way and sidewalk adjacent to the north property boundary.

3. Physical location

The proposed Removal Action described herein will address only the RCAU, which is only one portion of the overall Orofino Asbestos Site. See previous Action Memoranda for a description of the physical location of the Orofino Asbestos Site. The RCAU is an approximately 2-acre piece of land that lies south of Highway 12 and adjacent to a King's Discount store in an area of mixed commercial and residential land use, in the Riverview neighborhood of Orofino (see Figure 2).

4. Site characteristics

The RCAU is on relatively level ground with an approximately 6 foot slope at the north boundary of the property. The slope terminates adjacent to a public sidewalk and the right-of-way for Highway 12. All of the two-acre RCAU is covered by a varying thickness of gravel cover (between 2 inches and 7 inches, with an average of 4 inches), except for the north slope which does not have any cover over exposed ACP containing soils. The RCAU is fenced by a 3-strand barbed wire fence. There are no warning or "Do Not Enter" signs identifying the RCAU hazardous substance or asbestos hazard.

5. Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant

The only hazardous substance known to be at the Site and the RCAU is asbestos. Asbestos is a hazardous substance as defined by Sections 101(14) and 101(33) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. §9601(14) and (33).

An estimated 15,000 to 25,000 cubic yards of soils containing broken and friable ACP and contaminated with asbestos were deposited at the RCAU. Analytical results confirm that ACP at the RCAU contains concentrations of between 8% and 9% chrysotile asbestos fibers.[1]

6. NPL Status

The Site is not listed on the National Priorities List (NPL) nor has the Site been proposed for the NPL.

7. Maps, figures and other graphic representations

See attached Figures 1 and 2.

B. Other Actions to Date

1. Previous Actions

See the following Action Memoranda and Action Memorandum amendments for description of previous actions to date:

[1] Trip Report for the Riverview Construction Asbestos Site, Ecology and Environment (EPA Contractor), January 10, 2011.

- July 22, 2010 - Action Memorandum for an Interim Removal Action at the Riverview Construction Asbestos Site. This Action Memo addressed only the RCAU site and approved "interim" measures to mitigate exposure to asbestos from ACP that was first observed at this property.
- September 30, 2010 - Action Memorandum for an Emergency Removal Action at the Orofino Asbestos Site. This Action Memo authorized removal action to address six additional locations in Orofino where ACP containing fill material was placed, and incorporated the original RCAU property.
- May 10, 2011 - First Amendment to the Action Memorandum for an Emergency Removal Action at the Orofino Asbestos Site. This amendment authorized and provided a ceiling increase for response to an additional 15 properties that were identified where ACP containing fill material had been placed.
- July 13, 2011 – Second Amendment to the Action Memorandum for an Emergency Removal Action at the Orofino Asbestos Site. This amendment authorized a ceiling increase and change in scope necessary to complete cleanup of asbestos contaminated properties and consolidate ACP contaminated soils from several of the properties into an engineered asbestos soils repository at the Orofino First Baptist Church property.
- August 2, 2012 – Third Amendment to the Action Memorandum for an Emergency Removal Action at the Orofino Asbestos Site. This amendment and ceiling increase to $2,755,000 was required to address damage to the Orofino First Baptist Church repository retaining structure resulting in a threat of failure of the retaining structure wall. The repository was re-engineered and constructed with a sufficient drainage to avoid the buildup of hydraulic pressure behind the wall in the future. This amendment also authorized an exemption to the 12-month and $2 million statutory limits on removal actions, based on the emergency criteria.
- April 7, 2015 - 4th Amendment to the Action Memorandum for an Emergency Removal Action at the Orofino Asbestos Site. This amendment provided a ceiling increase to the current ceiling of $3,127,000, to address necessary repairs to the asphalt cap and vegetated dry retention basin at the Orofino First Baptist Church asbestos repository.

2. Current actions

EPA and IDEQ are currently negotiating responsibility and oversight for necessary operation and maintenance and environmental covenants at both the Orofino First Baptist Church and the RCAU asbestos repository sites in Orofino.

C. State and Local Authorities' Roles

1. State and local actions to date

IDEQ participated with EPA on site during the March 2016 removal site investigation at the RCAU and IDEQ has provided technical support through review and input on design documents for the removal action proposed herein.

2. Potential for continued State/local response

EPA and IDEQ have reached tentative agreement that once the removal action proposed herein is completed, then IDEQ will take responsibility for overseeing necessary operation and maintenance and establishing environmental covenant via the Uniform Environmental Covenants Act.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

Earlier Action Memoranda described those threats associated with asbestos and ACP in exposed soils at the Site. Threats from ACP and asbestos in contaminated soils at the RCAU location which have inadequate cover or are exposed at the surface are the same as threats described in earlier Action Memoranda. These actual or threatened releases of hazardous substances from this Site continue to present an imminent and substantial endangerment to public health, or welfare, or the environment.

A. Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants [40 C.F.R. § 300.415(b)(2)(i)]

The elevated concentrations of chrysotile asbestos found in ACP which is contained in soils that are exposed at the RCAU indicate that the potential for inhalation exposures exists. As noted in the original Action Memorandum, there is not a known safe level or period of asbestos exposure. Exposure to airborne friable asbestos may result in potential health risks because persons breathing the air may breathe in asbestos fibers. Continued exposure can increase the amount of fibers that remain in the lungs. Fibers embedded in lung tissue over time may cause serious lung diseases, including asbestosis, lung cancer, or mesothelioma.

B. Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or to be released [40 C.F.R. § 300.415(b)(2)(v)]

Weather conditions may contribute to additional pieces of broken and friable ACP being exposed on the surface of the RCAU through erosion and freeze/thaw mechanisms. Precipitation runoff on the steep north slope of the RCAU could expose additional ACP adjacent to the public sidewalk and right-of-way of Highway 12. Exposure to freezing and thawing cycles that are typical during winters in Orofino could cause larger pieces of ACP to migrate up through the uneven and in some places thin (less than 4 inches) gravel cover on top of the repository.

C. The availability of other appropriate federal or state response mechanisms to respond to the release [40 C.F.R. § 300.415(b)(2)(v)]

No other federal or state response mechanism has the capacity or willingness to perform the removal action in a timely manner.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances from this site may present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. EXEMPTION FROM STATUTORY LIMITS

Exemption from the CERCLA statutory limits of 12 months and $2 million was previously authorized for removal action at the Site per the 3rd Action Memorandum Amendment, dated August 2, 2012. That exemption was based on the emergency exemption criteria. Conditions at the RCAU location continue to meet the same emergency exemption criteria, as described below:

A. There is an immediate risk to public health or welfare or the environment

Exposed asbestos-contaminated soil at the RCAU location presents an immediate risk to public health or welfare. A removal site evaluation in April 2016 confirmed that there are exposed (uncovered) ACP containing soils along the north slope of the repository, adjacent to a public sidewalk and the Highway 12 right-of-way. Two pieces of ACP with broken and friable edges were observed on the surface at this location during a site visit in March 2016. Additional ACP may be exposed on the top of the repository as the April 2016 removal site evaluation found that the existing gravel cover is uneven and less than the necessary 4 inch thickness in 10 of 40 test locations. Nearby residents, or other community members or passersby on the adjacent sidewalk and right-of-way of Highway 12 could potentially be exposed to asbestos-contaminated soil and airborne asbestos fibers from the Site. Chrysotile asbestos known to be present in ACP at the Site indicate that the potential for inhalation exposures exists. There is no known safe level or period of asbestos exposure. Exposure to airborne friable asbestos may result in a potential health risk because persons breathing the air may breathe in asbestos fibers. Continued exposure can increase the amount of fibers that remain in the lungs. Fibers embedded in lung tissue over time may cause serious lung diseases, including asbestosis, lung cancer, or mesothelioma.

B. Continued response actions are immediately required to prevent, limit, or mitigate an emergency

Immediate implementation of the removal action selected in this Amendment is required to prevent, mitigate, or minimize the actual or potential human health risks posed by the asbestos-contaminated soil present at the Site.

C. Assistance will not otherwise be provided on a timely basis

As noted in Section III.C, there are no known other appropriate federal or state response mechanisms or PRPs capable of providing the necessary resources in a prompt manner needed to address the actual or potential human health risks associated with the asbestos-contaminated soil.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Action

1. Proposed action description

Existing vegetation will be stripped from the existing soil cover and the surface graded smooth. Soil will be kept damp to control fugitive dust. Dust monitoring and periodic air sampling will be conducted to ensure that workers are not inhaling dust that potentially contains asbestos fibers, and that fugitive dust is not leaving the work zone. The existing cover and fill material along the northern slope of the RCAU will be graded back to a stable 3 to 1 slope. Removed material will be graded out over the level surface of the RCAU. A low retaining wall shall be constructed not more than 4 feet high along the northern property boundary with a 4" drain pipe along the inside toe to drain water from behind the retaining

wall. A geotextile barrier will be placed over the existing cover for the entire area of the RCAU. Four to six inches of compacted gravel will be placed over the geotextile for the entire area of the RCAU, and will be held in place along the north property boundary by the retaining structure. A 6 foot high chain link fence will be installed around the perimeter of the RCAU with appropriate warning signage.

2. Contribution to remedial performance

Refer to the original Action Memorandum.

3. Engineering Evaluation/Cost Analysis (EE/CA)

Not applicable.

4. Applicable or relevant and appropriate requirements

Refer to the original Action Memorandum.

5. Project Schedule

The Response activities are expected to begin September/October, 2016 and will require approximately 3 weeks to complete.

6. Post-removal Site Controls

The 2010 AOC required that Respondents submit a proposal for post-removal site control. Refer to the "Confidential Enforcement Addendum" for additional information regarding implementation of necessary post-removal site controls at the RCAU.

B. Estimated Costs

EPA extramural costs for conducting the removal action described herein are estimated below.

Extramural Costs	Current Ceiling	Proposed Increase	Proposed Ceiling
Special Account Costs ERRS Contractor		$340,000	
Special Account Costs START Contractor		$30,000	
Subtotal Special Acct Costs		$370,000	
Extramural Cost Contingency (20%)		$74,000	
Total Removal Action Project Ceiling	$3,127,000	$444,000	$3,571,000

The total EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be $3,571,000. The project ceiling does not include estimates of other costs -- such as intramural direct labor, travel, and indirect costs, and subsequent enforcement costs -- that are recoverable under Section 107 of CERCLA.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Refer to the original Action Memorandum.

VII. OUTSTANDING POLICY ISSUES

None.

VIII. ENFORCEMENT

The EPA has partially recovered costs from PRPs with a Consent Decree with Owyhee Construction, Inc. and Riverside Water and Sewer District for payment to the EPA of $523,000 for past response costs that was entered by the court on August 3, 2016. See the attached Confidential Enforcement Addendum for additional information.

IX. DETERMINATION

Conditions at the Site meet the criteria for a CERCLA § 104(c) emergency exemption, and I recommend your approval of a ceiling increase of $444,000. Of this amount, $370,000, necessary to fund the START and ERRS contractor, is expected to come from a special account from a settlement with PRPs at the Site. The remainder of the necessary extramural funds will come from the Regional advice-of-allowance. The total project ceiling if approved will be $3,571,000.

X. APPROVAL/DISAPPROVAL

By the approval that appears below, EPA selects the removal action for the Site as set forth in the recommendations contained in this Action Memorandum Amendment.

Approve: ✓

for Chris D. Field, Manager
Emergency Management Program

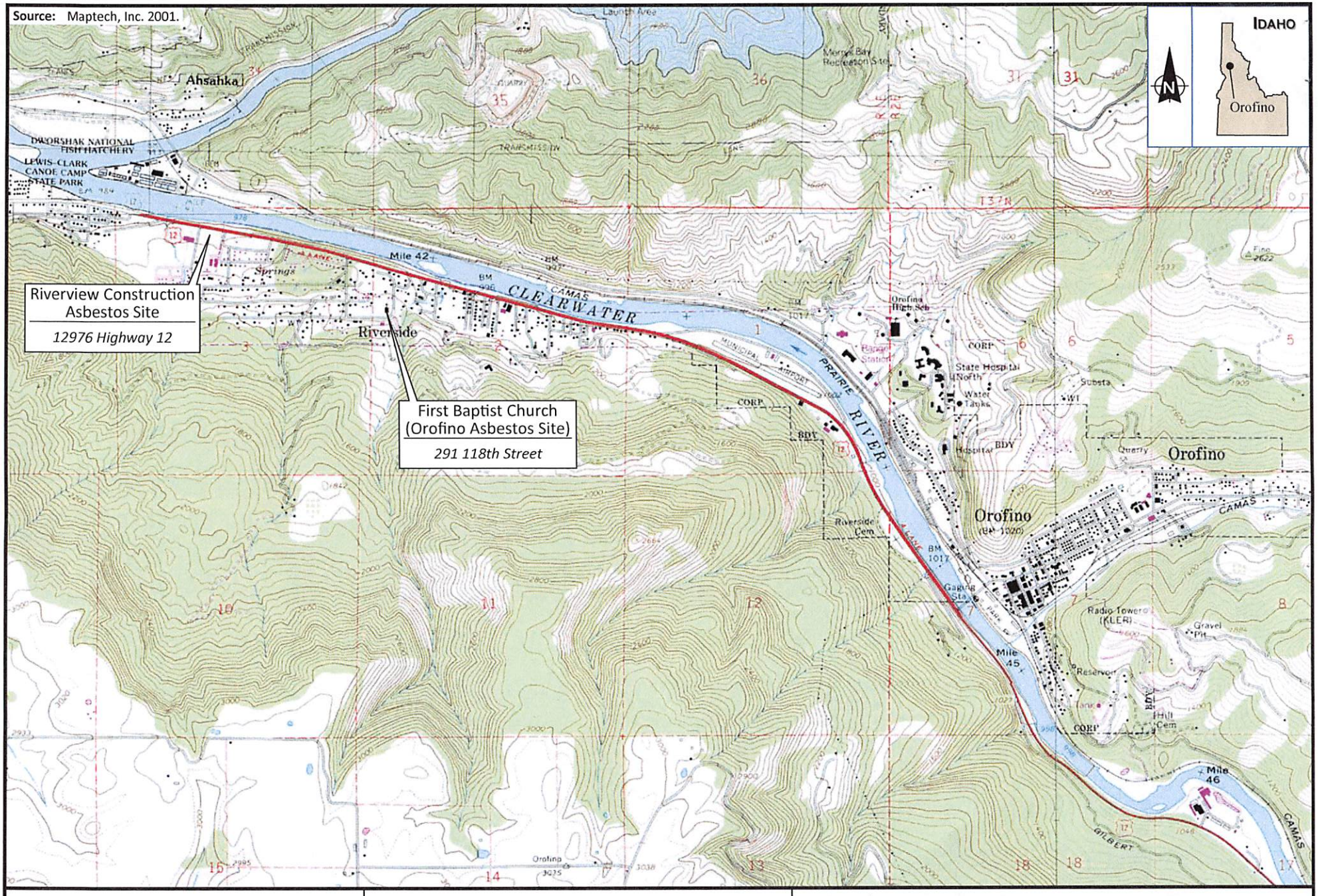
Disapprove: _____

Chris D. Field, Manager
Emergency Management Program

Effective date of this Decision: September 8, 2016

XII. ATTACHMENTS

- Figure 1 – Site Figure
- Figure 2 – Site Figure
- Action Memorandum for Interim Removal Action at the Riverview Construction Asbestos Site
- Action Memorandum for Emergency Removal Action at the Orofino Asbestos Site
- 1st Amendment to the Action Memorandum for the Orofino Asbestos Site
- 2nd Amendment to the Action Memorandum
- 3rd Amendment to the Action Memorandum
- 4th Amendment to the Action Memorandum
- Confidential Enforcement Addendum



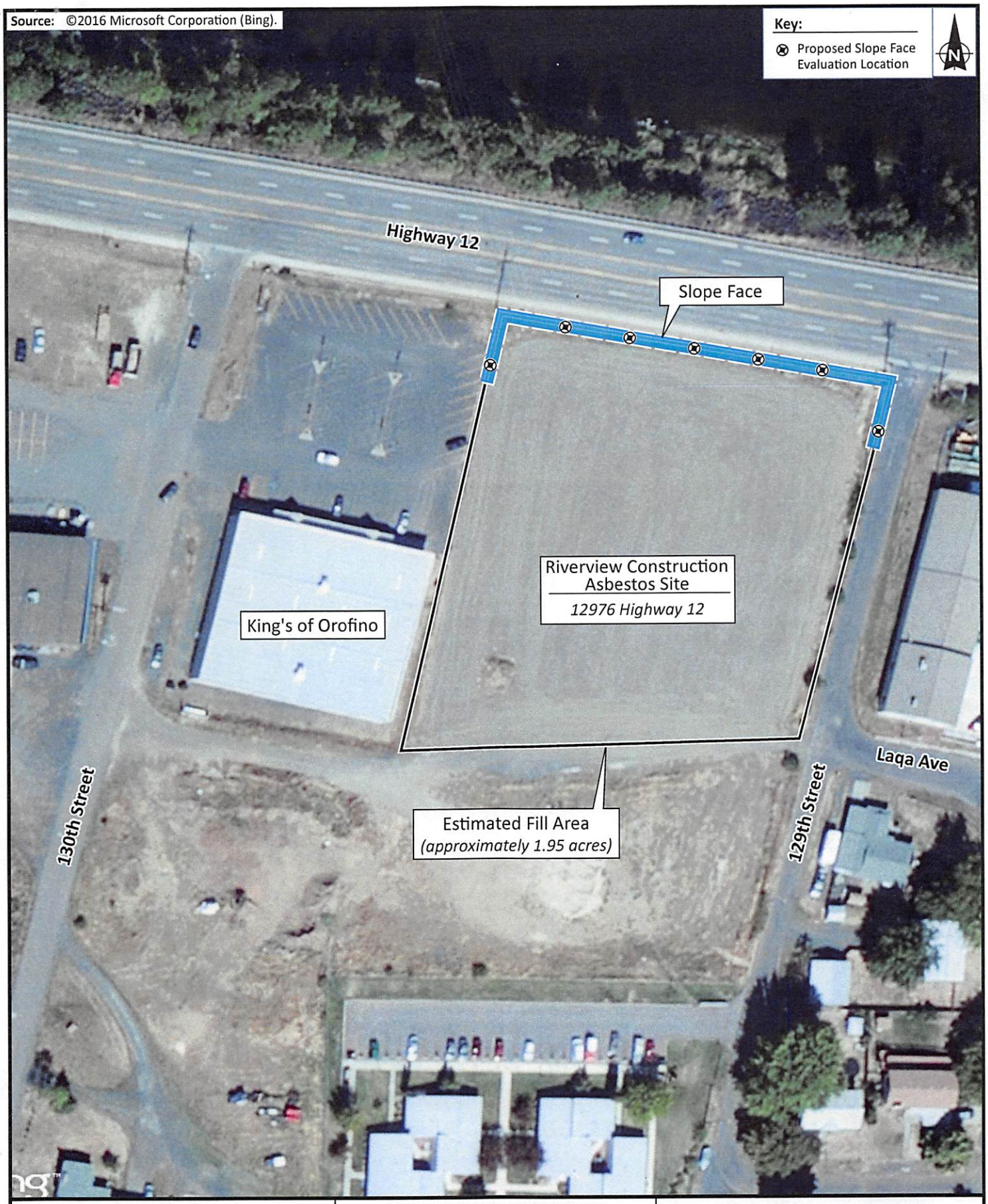
ecology and environment, inc.
Global Environmental Specialists
Seattle, Washington

RIVERVIEW CONSTRUCTION ASBESTOS SITE
Orofino, Idaho

0 1,282 2,564
Approximate Scale in Feet

Figure 1
SITE LOCATION MAP

Date:	Drawn by:	
8/2/16	AES	10:START IV\16020006\fig 1



ecology and environment, inc.
Global Environmental Specialists
Seattle, Washington

RIVERVIEW CONSTRUCTION
ASBESTOS SITE
Orofino, Idaho

Figure 2
SITE LAYOUT MAP

0 85 170
Approximate Scale in Feet

Date:	Drawn by:	
8/2/16	AES	10:START IV\16020006\fig 2

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ENVIRONMENTAL CLEANUP

July 22, 2010

SHORT-FORM ACTION MEMORANDUM

SUBJECT: Action Memorandum for an Interim Removal Action at the Riverview Construction Asbestos Site, Orofino, Clearwater County, Idaho

FROM: Earl Liverman, Federal On-Scene Coordinator FOR
Emergency Response Unit

THRU: Chris D. Field, Unit Manager
Emergency Response Unit

TO: Daniel D. Opalski, Director
Office of Environmental Cleanup

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of the selected interim removal action described herein for the Riverview Construction Asbestos Site (Site) located in Orofino, Clearwater County, Idaho. The proposed interim time-critical removal action is expected to be conducted by the potentially responsible parties (PRPs) in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) with oversight by the U.S. Environmental Protection Agency (EPA).

II. SITE CONDITIONS AND BACKGROUND

A. Site Description

Site Name: Riverview Construction Asbestos Site
Superfund Site ID: 10JG
NRC Case Number: N/A
CERCLIS Number: IDN001002878
Site Location: 12976 US Highway 12, Orofino, Clearwater County, ID 83544 (Parcel RPA 004550000050A)
Latitude/longitude: 46°29'55.56"N; 116°19'04.20"W
Potentially Responsible Parties: Owyhee Construction Inc. (Joseph McClure) and Riverside Construction Co. (b) (6) (b) (6)
NPL Status: Site is not listed nor proposed for listing on the NPL
Removal Start Date: 4th Qtr, FY 10

B. Site Background

1. Removal Site Evaluation

2010 Complaint

In May 2010, a complaint was received by the EPA regarding the illegal disposal of asbestos cement pipe (ACP). The complainant alleged that in 2009, the Riverside Water and Sewer District (District) in the City of Orofino awarded a contract to Owyhee Construction, Inc. (Owyhee) for the construction of waterline improvements for the District, and that Owhyee placed excavated soil containing ACP as fill material on a vacant lot in the City.

2010 EPA Site Visits

In response to the foregoing complaint, EPA On-Scene Coordinator (OSC) Earl Liverman met with the complainant at the vacant lot on 25 June 2010. OSC Liverman observed many scattered pieces of suspected ACP laying on the ground surface. The sizes ranged from 2 to 3 inches in length and width to greater than 6 inches in length and 3 to 4 inches in width. All ACP pieces appeared weathered, the edges were crumbled, and potential asbestos fibers were observed at the edges.

On behalf of Riverview Construction, (b) (6) Partner, granted OSC Liverman entry and access to the Site on 28 June 2010. OSC Liverman returned to the Site on 29 June 2010 and collected three random grab samples of suspected ACP. The samples were analyzed using Polarized Light Microscopy (PLM) analysis to determine asbestiform variety and percent concentration. The data showed asbestos concentrations of 8%, 9%, and 9% chrysotile mineral fibers.

OSC Liverman, along with two EPA Special Agents, returned to the Site on 6 July 2010 and collected one additional random grab sample. The sample was analyzed using X-ray diffraction. The results have not yet been received.

2. Physical location and Site characteristics

The Site consists of 4.39 acres. An estimated 15,000 to 25,000 cubic yards of excavated soil comingled with ACP was placed on an estimated 2 to 3 acres. The ACP is likely found throughout the fill material based on the complainant's description of how the excavated soil was placed and spread on the lot.

Access to the vacant lot is unrestricted. The lot is located in a mixed residential and commercial neighborhood. Single family residences and a senior citizens complex (Riverside Apartments), along with commercial businesses (King's Discount Store and Harvest Foods grocery store) and a federal government office building (USFS Clearwater National Forest Supervisor's Office) are located nearby.

3. Release or threatened release into the environment of a hazardous substance, pollutant, or contaminant

The contaminant of concern – asbestos- is a hazardous substance, contaminant, or pollutant as defined by sections 101(14) and 101(33) of CERCLA, as amended, 42 U.S.C. section 9601(14) and (33).

III. THREATS TO PUBIC HEALTH, WELFARE, OR THE ENVIRONMENT

A. Nature of Actual or Threatened Release of Hazardous Substances, Pollutants, or Contaminants

The current conditions at this Site meet the following factors which indicate that the Site is a threat to the public health or welfare or the environment, and a removal action is appropriate under § 300.415(b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP).

B. Applicable factors which were considered in determining the appropriateness of a removal action

1. Exposure to nearby human populations, animals, or the food chain from hazardous substances, pollutants or contaminants (300.415[b][2][i])

The elevated concentrations of asbestos found at the Site indicate that the inhalation exposure pathway exists. Single family residences and a senior citizens facility, along with commercial businesses and a federal government office building are nearby.

Exposure to airborne friable asbestos may result in a potential health risk because persons breathing the air may breathe in asbestos fibers. Continued exposure can increase the amount of fibers that remain in the lungs. Fibers embedded in lung tissue over time may cause serious lung diseases, including asbestosis, lung cancer, or mesothelioma.

2. High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate (300.415[b][2][v])

The analytical PLM results show that ACP is present on the ground at the Site. There are several pathways by which the asbestos fibers can become entrained in air leading to inhalation exposures. For example, fibers can enter the air from the wearing down of the ACP found on-site. With time and exposure to damaging forces (e.g., mechanical forces, weather, etc.), the ACP may become further crumbled, pulverized or reduced to powder, thereby releasing asbestos fibers, or may deteriorate to the extent that they may release asbestos fibers if disturbed.

3. Minimization or elimination of the effects of weather conditions that may cause hazardous substances, pollutants or contaminants to migrate or to be released (300.415[b][2][v])

ACP is present on the ground at the Site. Asbestos fibers can enter the air from the wearing down of the ACP. Wind, particularly in dry summer months, can lead to the migration of small asbestos fibers, and fiber-containing particles may remain suspended in the air for a long time and be carried long distances by wind before settling.

IV. Endangerment Determination under CERCLA Section 104: Pollutant or Contaminants

This section is not applicable because the removal action was not driven by a need to respond to known pollutants or contaminants.

V. Selected Removal Action and Estimated Costs

A. Situation and Removal Activities to Date

1. Current Situation

Persons may be exposed to asbestos fibers because ACP remains on-site and access to the Site is unrestricted. The ACP is damaged and susceptible to the wearing down effects of weather which can lead to the migration of asbestos fibers.

2. Removal activities to date

There has been no government or private cleanup actions taken to date.

3. Enforcement

See attached confidential enforcement addendum.

B. Planned Removal Actions

1. Proposed action description

The PRPs will construct temporary fencing (e.g., chain link security fencing or T-post metal fencing) to restrict access to those areas of the Site where ACP was placed as fill, and will install appropriate signage (e.g., "No Trespassing") on the fencing. The PRPs will also apply a dust control agent to the ground surface in the fenced in area to control for fugitive dust.

Both the temporary fencing and the dust control agent must remain protective of human health and welfare pending EPA's determination of the final cleanup action. The final

cleanup action is expected to be determined within 60 to 90 days of approval of the selected interim removal action described herein.

2. Contribution to remedial performance

The proposed response action is an interim action to control access and to control for fugitive dust. A follow-on removal action is anticipated to be negotiated with the PRPs. The proposed interim action will not impede any future removal action based upon available information.

3. Applicable or Relevant and Appropriate Requirements (ARARs)

Removal actions conducted under CERCLA are required to attain ARARs to the extent practicable. In determining whether compliance with ARARs is practicable, the OSC may consider appropriate factors, including the urgency of the situation and the scope of the removal action to be conducted.

There are no ARARs determined to be practicable for the interim response action.

4. Project Schedule

The proposed interim removal action must be constructed within fourteen (14) days of approval of this Action Memorandum.

C. Estimated Costs

Costs for conducting the interim removal action described herein are expected to be paid by the PRPs. The estimated costs for the interim removal action are ± $5,000, and the estimated costs for EPA oversight are less than $1,000[1].

If the PRPs are unable or unwilling to conduct the proposed interim removal action, the projected EPA costs to conduct the action are ± $10,000.

VI. Expected Change in the Situation Should Action Be Delayed or Not Taken

A delay in action or no action at this Site would increase the actual or potential threats to the public health or welfare and/or the environment associated with exposure to asbestos fibers.

VII. Outstanding Policy Issues

None.

[1] Liable parties may be held financially responsible for costs incurred by the EPA as set forth in Section 107 of CERCLA.

VIII. Approvals

This decision document represents the selected interim removal action for this Site, developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision is based on the administrative record for the Site.

Conditions at the Site meet the NCP section 300.415(b) criteria for a removal action and, through this document, I am approving the proposed interim removal action. Costs for conducting the removal action are expected to be paid by the PRPs. EPA may pursue cost recovery from the PRPs for other costs incurred by EPA prior to conduct of the removal action as set forth in Section 107 of CERCLA.

FOR

Earl Liverman, Federal On-Scene Coordinator
Emergency Response Unit

7/22/10
Date

IX. Endangerment Determination under CERCLA Section 106: Hazardous Substances

Actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the removal action selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment.

Chris D. Field, Unit Manager
Emergency Response Unit

7/22/10
Date

APPENDIX B: RESPONDENTS

Owyhee Construction, Inc.
Business Address: 6434 W Gowen Road
Boise, ID 83709

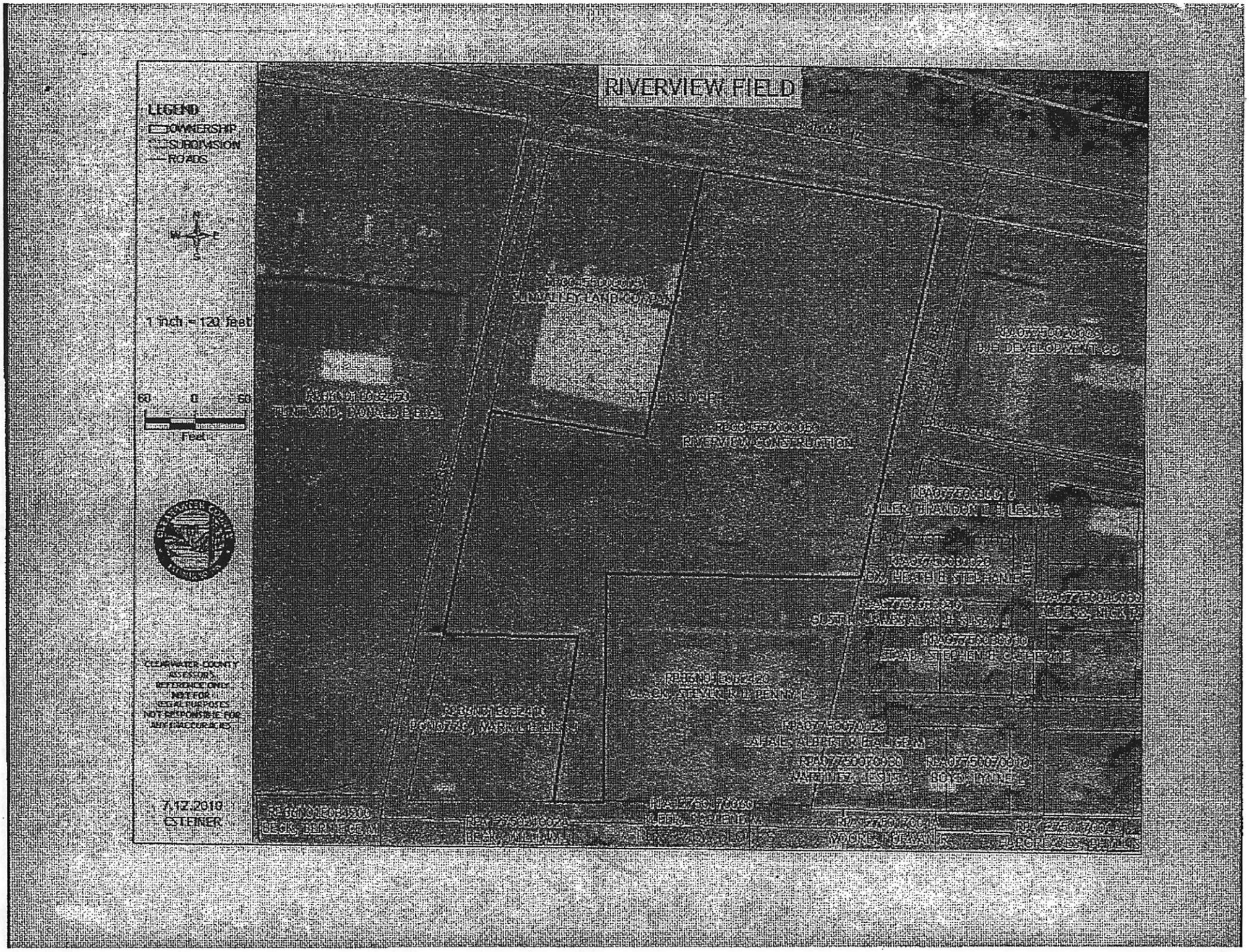
- Registered Agent: Joseph M McClure
- President/Director: Joseph M McClure

Riverview Construction
Address: P.O. Box 1888
Orofino, ID 83544.

(b) (6)
Address: (b) (6)

(b) (6)
Address: (b) (6)

Appendix C


RIVERVIEW FIELD
LEGEND
OWNERSHIP
SUBDIVISION
ROADS
1 Inch = 120 feet
60 0 60
Feet
7.17.2018
CSTEINER

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ENVIRONMENTAL CLEANUP

SEP 3 0 2010

MEMORANDUM

SUBJECT: Action Memorandum for an Emergency Removal Action at the Orofino Asbestos Site, Orofino, Clearwater County, Idaho

FROM: Earl Liverman, On-Scene Coordinator
Emergency Response Unit

THRU: Chris D. Field, Manager
Emergency Response Unit

Cliff Villa, Assistant Regional Counsel
Office of Regional Counsel

TO: Daniel D. Opalski, Director
Office of Environmental Cleanup

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of the selected emergency removal action described herein for the Orofino Asbestos Site (Site) in Orofino, Clearwater County, Idaho.

The proposed emergency removal action is to remove and properly dispose of hazardous substances at the Site that are releasing or pose a threat of release to the environment, and remove and properly dispose of soils at the Site that are contaminated with hazardous substances, in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

II. SITE CONDITIONS AND BACKGROUND

The CERCLIS ID is IDN001002885 and the Site ID is 10JN.

A. Site Description

1. Removal Site Evaluation

In May 2010, a complaint was received by the EPA regarding the illegal disposal of asbestos cement pipe (ACP). The complainant alleged that in 2009, the Riverside Water and Sewer District (District) in the City of Orofino awarded a contract to Owyhee for the

610885

construction of waterline improvements for the District, and that Owyhee placed excavated soil containing ACP as fill material on a vacant lot in the City.

EPA June 2010 Site Visits

In response to the foregoing complaint, EPA On-Scene Coordinator (OSC) Earl Liverman met with the complainant at the vacant lot on 25 June 2010. OSC Liverman observed many scattered pieces of suspected ACP laying on the ground surface. The sizes ranged from 2 to 3 inches in length and width to greater than 6 inches in length and 3 to 4 inches in width. All ACP pieces appeared weathered, the edges were crumbled, and potential asbestos fibers were observed at the edges.

On behalf of the property owner, Riverview Construction, (b) (6) , Partner, granted OSC Liverman entry and access to the Site on 28 June 2010. During the conversation, (b) (6) stated that over the course of several months, Owyhee placed an estimated 15,000 to 25,000 cubic yards of fill material on the property and that the material was placed by dump truck and then spread by bulldozer. OSC Liverman returned to the Site on 29 June 2010 and collected three random grab samples of suspected ACP. The samples were analyzed using Polarized Light Microscopy (PLM) analysis to determine asbestos form variety and percent concentration. The data showed asbestos concentrations of 8%, 9%, and 9% chrysotile mineral fibers.[1]

EPA August 2010 Site Visit

EPA continued to investigate the original complaint. Six additional locations where Owyhee allegedly placed excavated soil containing ACP as fill material were identified in the City of Orofino and Clearwater County. OSC Liverman and EPA's START Contractor visited the locations on 8 and 9 August 2010. At four of the six locations, EPA observed many scattered pieces of suspected ACP laying on the ground surface that were similar to the ACP observed during the June Site visits. The sizes ranged from 2 to 3 inches in length and width to greater than 6 inches in length and 3 to 4 inches in width. All ACP pieces appeared weathered, the edges were crumbled, and potential asbestos fibers were observed at the edges. At one of the four locations, EPA observed 2- to 3-foot sections of ACP laying on the ground surface. At a fifth location, EPA did not observe ACP on the ground surface, and at a sixth location, EPA observed suspected transite siding in fill material, as opposed to ACP.

All but one of the affected landowners described a similar process for placement of the ACP-contaminated fill material (i.e., the fill material was placed by dump truck and then spread by bulldozer). EPA was granted entry and access from the landowners and collected grab samples of suspected ACP, transite siding, and surface soil. The suspected ACP, transite siding, and soil samples were analyzed using PLM and Transmission Electron Microscopy (TEM) analyses to determine asbestos form variety and percent concentration. The data for four ACP samples showed chrysotile asbestos concentrations of 7%, 16.68%, 16.82%, and 20%; for four

[1] Ecology and Environment, Inc. (E&E). Memorandum from Mark Woodke, START-3 Chemist, E&E, Seattle, WA. 2 July 2010. Subject: Data Quality Assurance Review, Owyhee Construction Site, Orofino, ID.

soil samples, the data showed non-detect for two samples and 0.25% and 0.75% chrysotile for the two remaining samples; and the one transite siding sample showed 3% chrysotile.[2]

2. Physical Location

The seven locations where soil containing ACP or transite siding was placed as fill material are located within the City of Orofino or immediately outside the City limits in Clearwater County (Figure 1). The approximate latitude and longitude for the Site is. 46°28.41'11"N and 116°15.10'57"W.

Pursuant to the PRP-lead interim removal action discussed below in Section II(B)(1), access to the vacant lot identified above (aka Riverview Construction Site) is restricted by fencing; however, access to the other locations is unrestricted. All locations are situated in mixed neighborhoods composed of commercial, residential, and religious properties.

There are no known vulnerable or sensitive populations, habitats, or natural resources or potential historical landmarks and/or structures with historical significance identified where excavated soil containing ACP and transite siding was placed.

3. Site Characteristics

Orofino is a rural community located in the North Central Region of Idaho along Orofino Creek and the north bank of the Clearwater River. The population is approximately 3,300, and the city is the county seat for Clearwater County.

A PRP-lead interim removal action was recently completed at the Riverview Construction Site as discussed in Section II(B)(1).

4. Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant

The contaminant of concern is asbestos. Asbestos is a hazardous substance or pollutant or contaminant as defined by sections 101(14) and 101(33) of CERCLA, as amended, 42 U.S.C. section 9601(14) and (33).

The analytical results shown below indicate that asbestos fibers, ACP, and transite siding are present on the ground at the Sites. With time and exposure to damaging mechanical forces and weather, the ACP and transite siding can continue to become friable thus releasing asbestos fibers to the environment.

[2] Ecology and Environment, Inc. (E&E). Memorandum from Mark Woodke, START-3 Chemist, E&E, Seattle, WA. 27 August 2010. Subject: Data Quality Assuranve Review, Owyhee Construction Site, Orofino, ID.

Site Addresses and Analytical Data	
Address	**Analytical Data**
(b) (6)	S1 = ACP/PLM 20% Chrysotile S2 = Soil/PLM 0.25% Chrysotile
(b) (6)	S3 = ACP/TEM 16.68% Chrysotile S4 = Soil/PLM No asbestos detected
291 118th Street, Orofino, ID	S5 = Soil//PLM 0.75% Chrysotile S6 = ACP/TEM 16.82% Chrysotile
(b) (6)	S7 = ACP/PLM 7% Chrysotile S8 = Soil/PLM No asbestos detected
4753 Transfer Station Road, Orofino, ID	Site received excavated material but did not sample because no suspected ACP observed
(b) (6)	S9 = Transite siding PLM 3% Chrysotile
12976 Highway 12, Orofino, ID Parcel RPA 00450000050A	S1 = ACP/PLM 9% Chrysotile S2 = ACP/PLM 8% Chrysotile S3 = ACP/PLM 9% Chrysotile

5. NPL Status

The site is not listed on the National Priorities List (NPL) nor has the site been proposed for the NPL.

6. Maps, figures, and other graphic representations

Refer to Figure 1 (Site Locations).

B. Other Actions to Date

1. Previous Actions

EPA and Riverview Construction and Owyhee entered into an Administrative Settlement Agreement and Order on Consent (ASAOC) (CERCLA Docket No. 10-2010-0213) dated 9 August 2010 for an interim removal action to be conducted at the vacant lot (aka Riverview Construction Site) discussed above in Section II(A)(1). The ASAOC requires Owyhee and/or Riverview Construction to control for fugitive dust, construct a temporary fence around the area where asbestos contaminated material was placed as fill, and install appropriate signage on the fencing to discourage trespass.[3] This work was completed by Owyhee the week of 30 August 2010.

[3] U.S. Environmental Protection Agency. Action Memorandum for an Interim Removal Action to Be Conducted at the Riverview Construction Asbestos Site, Orofino, Clearwater County, Idaho. 22 July 2010.

2. Current Actions

There are no other ongoing removal activities undertaken by other government or private parties at the other locations.

C. State and Local Authorities' Roles

1. State and Local Actions to Date

State and local authorities, including the Idaho State Department of Environmental Quality, Clearwater County Commissioners, the Idaho North Central Health District, and the City of Orofino are aware of the Site and the threats posed by asbestos, and are supportive of cleanup actions to address the asbestos containing backfill material.

2. Potential for continued State/Local Response

EPA will continue to work with State and local authorities to ensure that they are aware of cleanup activities.

III. THREATS TO PUBLIC HEALTH WELFARE OR ENVIRONMENT

The current conditions at this Site meet the following factors which indicate that the Site is a threat to the public health or welfare or the environment, and a removal action is appropriate under § 300.415(b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP).

A. Threat to Public Health or Welfare

1. Actual or potential exposure to nearby human populations, animals or the food chain from hazardous substances or pollutants or contaminants [300.415(b)(2)(i)].

The elevated concentrations of chrysotile asbestos found at the Site indicate that the potential for inhalation exposures exists.

There is not a known safe level or period of asbestos exposure. Exposure to airborne friable asbestos may result in a potential health risk because persons breathing the air may breathe in asbestos fibers. Continued exposure can increase the amount of fibers that remain in the lungs. Fibers embedded in lung tissue over time may cause serious lung diseases, including asbestosis, lung cancer, or mesothelioma.

2. High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate [300.415(b)(2)(iv)].

The analytical results show that asbestos fibers and ACP and transite siding are present on the ground surface at the Site. There are several pathways by which the asbestos fibers can become entrained in air leading to inhalation exposures (e.g., fibers can enter the air from the wearing down of the ACP and transite siding found on site). With time and exposure to damaging mechanical forces and weather, the ACP and transite siding may become further crumbled, pulverized, or reduced to powder, thereby releasing asbestos fibers, or may deteriorate to the extent that they may release asbestos fibers if disturbed.

3. Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released [300.415(b)(2)(v)].

Asbestos fibers and ACP and transite siding are present on the ground at the Site. Wind, particularly in dry summer months, can lead to the migration of small asbestos fibers, and fiber-containing particles may remain suspended in the air for a long time and be carried long distances by wind before settling. Rainfall runoff may also result in the off-site transport of asbestos fibers. Additionally, as shown in the following table, the accumulative effect of successive freeze-thaw temperature cycles can cause expansion, cracking, and crumbling of the ACP and transite siding, thus releasing asbestos fibers into the environment.

Average Temperatures[4] Period of Record: 08/01/1948 – 12/30/1981 (degrees Fahrenheit)					
Average Monthly	November	December	January	February	March
Minimum	32.0	27.7	24.0	28.9	31.4
Maximum	48.0	40.0	37.6	46.9	54.6

4. The availability of other appropriate federal or state response mechanisms to respond to the release [300.415(b)(2)(vii)].

No other federal or state agency has the capacity or willingness to perform the removal action in a timely manner.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment.

[4] Western Regional Climate Center, wrcc@dri.edu

V. PROPOSED ACTIONS AND ESTIMATED COSTS

Based on the analysis of the nature and extent of Site contamination and affected landowner preferences for cleanup, the following emergency removal action is proposed to address the public health and welfare threats discussed in Section III of this Action Memorandum.

A. Proposed Actions

1. Proposed Action Description

Excavation and Disposal of Asbestos Contaminated Materials

Based on EPA's evaluation of the asbestos release, all fill material placed by Owyhee at different locations as part of the 2009 District waterline improvements is presumed contaminated with asbestos and/or friable asbestos-containing material such as ACP and transite siding (i.e., ACP was removed through the use of hydraulic excavators and/or backhoes, and the ACP contaminated material was placed by dump truck and then spread by bulldozer). All cleanup activities will be coordinated with affected property owners. An estimated ± 21,550 cubic yards (yds^3) of asbestos contaminated fill material will be excavated to the underlying native material, and this material will be shipped off site for disposal at a facility operating in compliance with the Resource Conservation and Recovery Act (RCRA) or other applicable Federal or state requirements. The native material will be determined visually, and then the excavated area will be over-excavated by no more than an additional 6 inches to ensure that all asbestos is removed. One or more composite random soil samples will be collected and analyzed using PLM analysis to confirm removal of asbestos. Only the over-excavated native material will be backfilled with clean material such as gravel or soil; the excavated contaminated material will not be replaced. An estimated ± 4,875 yds^3 of clean fill material is required to fill over-excavated areas. Disturbed areas will be graded to ensure proper surface water drainage, and hydroseeded or sodded, where appropriate.

All asbestos-contaminated materials and soil will be properly handled, packaged, and transported to an approved National Emissions Standards for Hazardous Air Pollutants (NESHAP) asbestos landfill. The contaminated materials will only be disposed of at a facility in compliance with the Off-Site Rule set forth in the NCP, at 40 CFR 300.440.

Additional Disposal Locations

EPA continues to investigate where fill material may have been placed as part of the 2009 waterline improvements for the District. If other locations are identified, those locations will be evaluated and may be included within the scope of this removal action.

Best-Management Practices (BMPs):

Temporary Best Management Practices (BMPs) will be implemented during cleanup activities to protect workers and the public from short-term construction impacts such as erosion, fugitive dust, and other similar potential impacts.

Post removal site controls

Post removal site control will not be required because asbestos contaminated materials and soils will be removed from the Site.

2. Contribution to remedial performance

The proposed action is designed to be the first and only action to cleanup asbestos contaminated materials found on the properties identified in this Action Memorandum. However, if future actions are required, the proposed removal action will likely not impede those actions based upon available information.

3 Applicable or relevant and appropriate requirements (ARARs)

The NCP requires that removal actions attain Applicable or Relevant and Appropriate Requirements (ARARs) under federal or state environment or facility siting laws, to the extent practicable. (40 CFR § 300.415[j]) In determining whether compliance with ARARs is practicable, EPA may consider the scope of the removal action and the urgency of the situation. (40 CFR § 300.415[j]) The scope of the removal action proposed in this Action Memorandum is limited.

National Emission Standard for Hazardous Air Pollutants (NESHAP), 40 CFR 61, Subpart M. Subpart M addresses milling, manufacturing, and fabricating operations, demolition and renovation activities, waste disposal issues, active and inactive waste disposal sites, and asbestos conversion processes. Subpart M is potentially applicable to the handling, packaging, labeling, transportation, and disposal of asbestos-containing material.

4. Project Schedule

The proposed removal action must be initiated as soon as possible. Access is unrestricted and the ACP is in the open and exposed to wind and other elements except at the property located at 12976 Highway 12 (aka Riverview Construction Site) where an interim action was performed. It is anticipated that the proposed project will require seven weeks to complete and that it will begin during the 2010 field construction season.

B. <u>Estimated Costs</u>

EPA extramural costs for conducting the removal action described herein are estimated below:

Extramural Costs:	
Regional Removal Allowance Costs: Total Cleanup Contractor Costs	$650,000
Other Extramural Costs Not Funded from the Regional Allowance: Total START Costs	$ 50,000
Subtotal Extramural Costs	$700,000
Extramural Costs Contingency (20%)	$140,000
TOTAL REMOVAL ACTION PROJECT CEILING	$840,000

The project ceiling does not include estimates of other costs -- such as intramural direct labor, travel, and indirect costs, and subsequent enforcement costs -- that are recoverable under Section 107 of CERCLA.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

If the proposed removal action should be delayed or not taken, asbestos will remain as a potential human health threat, and may spread from the Site to adjoining properties.

VII. OUTSTANDING POLICY ISSUES

None

VIII. ENFORCEMENT

See the attached "Confidential Enforcement Addendum" for enforcement details.

IX. RECOMMENDATION

This decision document represents the selected removal action for this Site, developed in accordance with CERCLA as amended, and is consistent with the National Contingency Plan. This decision is based on the administrative record for the Site.

Conditions at Orofino Asbestos Site meet the NCP Section 300.415(b)(2) criteria for a removal and I recommend your approval of the proposed removal action. The total project ceiling if approved will be $840,000. Of this amount, as much as $650,000 comes from the Regional Removal Allowance

X. APPROVAL / DISAPPROVAL

X Approval

Daniel D. Opalski, Director
Office of Environmental Cleanup

30 Sept. 2010
Date

___ Disapproval

Daniel D. Opalski, Director
Office of Environmental Cleanup

Date

XI. Site Determination

Under the authority vested in the President of the United States by Section 104(d)(4) of CERCLA, 42 U.S.C. § 9604(d)(4), as amended, and delegated to the Administrator of the EPA by Executive Order No. 12580, 23 January 1987, 52 Federal Register 2923, and further delegated to the Assistant Administrator for Solid Waste and Emergency Response and Regional Administrators by EPA Delegation No. 14-2 and further delegated to the Director of the Office of Environmental Cleanup, Region 10, by EPA Delegations No. R10 14-2, these noncontiguous facilities will be treated as one for purposes of response actions because they are reasonably related on the basis of geography and threat, or potential threat, to the public health or welfare or the environment.

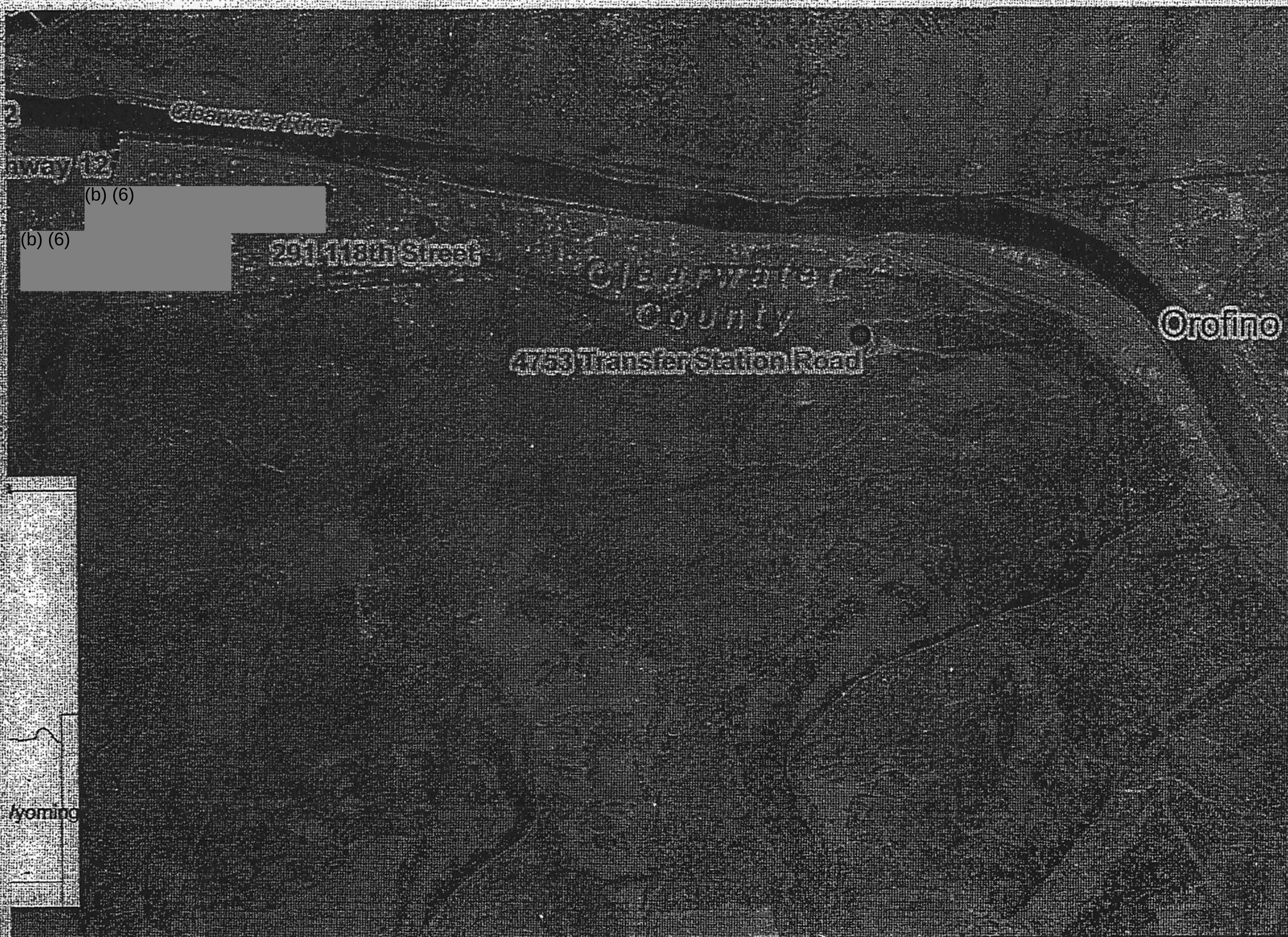
Daniel D. Opalski, Director

30 Sept 2010
Date

XII. ATTACHMENT

- Figure 1 (Site Locations)

FIGURE 1
SITE LOCATION



OROFINO, IDAHO

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

MAY 10 2011

OFFICE OF
ENVIRONMENTAL CLEANUP

SUBJECT: Ceiling Increase and Change in the Scope of Response Amendment to the Action Memorandum for the Emergency Removal Action at the Orofino Asbestos Site, Orofino, Clearwater County, Idaho

FROM: Earl Liverman, Federal On-Scene Coordinator
Emergency Response Unit

THRU: Chris D. Field, Manager
Emergency Management Program

TO: Daniel D. Opalski, Director
Office of Environmental Cleanup

I. PURPOSE

The purpose of this Action Memorandum is to document approval of a ceiling increase and change in the scope of response for the Orofino Asbestos Site (Site) in Orofino, Clearwater County, Idaho.

The ceiling increase will bring the total project ceiling to $1,176,000 and the change in the scope of response will provide for an interim gravel barrier to be placed on certain properties until a final cleanup action can be implemented during 2011.

II. SITE CONDITIONS AND BACKGROUND

The CERCLIS ID No. is IDN001002885 and the Site ID No. is 10JN.

A. Site Description

1. Removal site evaluation

The original Action Memorandum (dated 30 September 2010) identified seven locations, including property also known as the Riverview Construction Asbestos Site. Since the removal action was started on 13 October 2010, the U.S. Environmental Protection Agency (EPA) has identified an additional fifteen locations where asbestos contaminated soil was placed as fill material (or was suspected to have been placed) as part of the 2008 Phase II and 2009 Phase III construction of waterline improvements for the Riverside Water and Sewer District (District) in the City of Orofino and Clearwater

County. Further, EPA discovered many scattered pieces of suspected asbestos cement pipe (ACP) laying on the ground surface along public rights-of-way (ROW) where the Phase II and Phase III waterline improvements occurred. As described in the original Action Memorandum, the size of pieces of ACP varied in length and width, and all pieces appeared weathered, the edges were crumbled, and potential asbestos fibers were observed at the edges.

All currently known locations are summarized below in Table 1 and attached Figure 1. The 15 locations labeled "Locations Discovered During Fall 2010 Cleanup" are the subject of this Amendment and the locations labeled as "2011 Work" will be the subject of a separate Amendment.

Table 1
Summary – Orofino Asbestos Locations

07/22/10 AM Location	2010 Work	2011 Work
12976 Highway 12	Interim Cover	X
09/30/10 AM Locations	**2010 Work**	**2011 Work**
(b) (6)	X	
14228 Highway 12	X	
(b) (6)	X	
(b) (6)	X	
291 118th Street	Interim Cover	X
4753 Transfer Station Road	Interim Cover	X
Locations Discovered During Fall 2010 Cleanup	**2010 Work**	**2011 Work**
(b) (6)	Interim Cover	X
(b) (6)		X
(b) (6)		X
12517 Hartford Avenue	Interim Cover	X
(b) (6)	X	
(b) (6)		X
(b) (6)		X
(b) (6)	X	
(b) (6)	X	
(b) (6)	X	
(b) (6)	X	
(b) (6)	X	
(b) (6)	X	
(b) (6)		X
10820 Highway 12	X	

A delay in action or no action at the fifteen locations would have increased the actual or potential threats to the public health or welfare and/or the environment associated with exposure to asbestos fibers.

2. Physical location

The additional fifteen locations where soil containing ACP or transite siding was placed as fill material are located within the City of Orofino or immediately outside the City limits in Clearwater County.

3. Site characteristics

Refer to original Action Memorandum.

4. Release or threatened release into the environment of a hazardous substance, or pollutant, or contaminant

Refer to original Action Memorandum.

5. NPL status

Refer to original Action Memorandum.

6. Maps, pictures, and other graphic representations

Refer to attached Figure 1.

B. Other Actions to Date

1. Previous actions

Refer to original Action Memorandum.

2. Current actions

EPA started cleanup activities on 13 October 2010 and completed the work on 3 November 2010.

C. State and Local Authorities' Roles

1. State and local actions to date

Refer to original Action Memorandum.

2. Potential for continued State/local response

Refer to original Action Memorandum.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

Refer to original Action Memorandum.

IV. ENDANGERMENT DETERMINATION

Refer to original Action Memorandum.

V. CLEANUP ACTIONS AND ESTIMATED COSTS

The following emergency removal action was based on the discovery of additional locations where asbestos contaminated soil was placed as fill material as part of the 2008 Phase II and 2009 Phase III construction of waterline improvements for the District and the discovery of ACP laying on the ground surface along public ROWs where the Phase II and Phase III waterline improvements occurred.

1. Cleanup Action Description

Excavation and Disposal of Asbestos Contaminated Materials

At eight of the fifteen additional locations shown in Table 1, asbestos contaminated soil placed as fill material was excavated to the underlying native material, and this material was shipped off-site for disposal at a facility operating in compliance with the Resource Conservation and Recovery Act and other applicable Federal or state requirements. The native material was determined visually, and the excavated area was over-excavated by no more than an additional 6 inches to ensure that all asbestos was removed. One or more composite random soil samples were collected and analyzed using Polarized Light Microscopy analysis to confirm removal of asbestos. Because the eight additional locations involved residential properties, the excavated material was replaced with a similar quantity of clean material and was graded to ensure proper surface water drainage, and seeded where appropriate. Five of the remaining seven locations were postponed until 2011 because the landowners could not be contacted or because the encroaching fall and winter weather prevented removal of the contaminated materials. A final cleanup action is anticipated to be implemented during 2011.

All asbestos contaminated materials and soil were properly handled, packaged, and transported to an approved National Emissions Standards for Hazardous Air Pollutants (NESHAP) asbestos landfill. The contaminated material was disposed of at a facility in compliance with the Off-Site Rule set forth in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), at 40 CFR 300.440.

Construction of Interim Gravel Barriers

An interim 4-inch gravel barrier was constructed at the remaining two locations shown in Table 1 where thousands of cubic yards of asbestos contaminated soil were placed as fill material. Encroaching fall and winter weather similarly prevented removal of contaminated materials from these locations. A final cleanup action is anticipated to be implemented during 2011.

Removal of ACP from Public ROWs

The public ROWs where the District constructed the 2008 Phase II and 2009 Phase III waterline improvements were surveyed for ACP laying on the ground surface. The ACP was removed where found and disposed of along with other contaminated material as described above. The public ROWs will likely be surveyed again during the 2011 removal action.

Additional Disposal and Sampling Locations

EPA continues to investigate where contaminated fill material may have been placed as part of the 2008 and 2009 waterline improvements for the District. If other locations are identified, those locations will be evaluated and may be included within the scope of the 2011 removal action. Additionally, EPA may sample interior dust at certain locations to investigate whether asbestos fibers were released to the air during Phase II and Phase III construction activities.

Best-Management Practices (BMPs):

Temporary Best Management Practices (BMPs) were implemented during cleanup activities to protect workers and the public from short-term construction impacts such as erosion, fugitive dust, and other similar potential impacts.

Post removal site controls

Post removal site controls are not required because all asbestos contaminated materials and soils were or are expected to be removed. However, if contaminated materials are left on-site, a restrictive covenant will be imposed to prohibit activities that may interfere with the cleanup action, operation and maintenance, or monitoring or that may result in the release of asbestos that was contained as part of the cleanup action. Additionally, a long-term monitoring, maintenance and repair program will be implemented to ensure the continuing effectiveness of the removal action and to monitor Site conditions.

2. Contribution to remedial performance

Refer to original Action Memorandum.

3. Applicable or relevant and appropriate requirements (ARARs)

Refer to original Action Memorandum.

4. Project schedule

EPA started the original cleanup activities on 13 October 2010 and completed all activities on 3 November 2010.

5. Remaining asbestos contaminated sites

As noted in Table 1, the ten locations labeled as "2011 Work" will be the subject of a separate amendment to the Action Memorandum. Any additional locations discovered during the 2011 work will likely also be addressed during 2011.

B. Estimated Costs

EPA extramural costs for conducting the removal action described herein are estimated below:

Extramural Costs	Current Ceiling	Proposed Increase	Proposed Ceiling
Regional Allowance Costs ERRS Contractor	$650,000	$200,000	$850,000
Other Extramural Costs Not Funded from the Regional Allowance START Contractor	$50,000	$80,000	$130,000
Subtotal Extramural Costs	$700,000	$280,000	$980,000
Extramural Cost Contingency (20%)	$140,000	$56,000	$196,000
Total Removal Action Project Ceiling	$840,000	$336,000	$1,176,000

The project ceiling does not include estimates of other costs -- such as intramural direct labor, travel, and indirect costs, and subsequent enforcement costs -- that are recoverable under Section 107 of CERCLA.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Refer to original Action Memorandum.

VII. OUTSTANDING POLICY ISSUES

None.

VIII. ENFORCEMENT

Refer to attached confidential enforcement addendum.

IX. RECOMMENDATION

This decision document sets forth the selected removal action for the Orofino Asbestos Site located in Orofino, Clearwater County, Idaho, that has been developed in accordance with CERCLA, and is consistent with the NCP. This decision is based on the administrative record for the Site.

Conditions at the Site continue to meet the NCP 40 C.F.R. § 300.415(b) criteria for a removal action and I recommend your approval with the ceiling increase of $336,000 and change in scope of the removal action. Of the estimated costs, as much as $850,000 comes from the Regional Removal Allowance.

X. APPROVAL/DISAPPROVAL

✓ Approval

for Daniel D. Opalski, Director
Office of Environmental Cleanup

5/18/11
Date

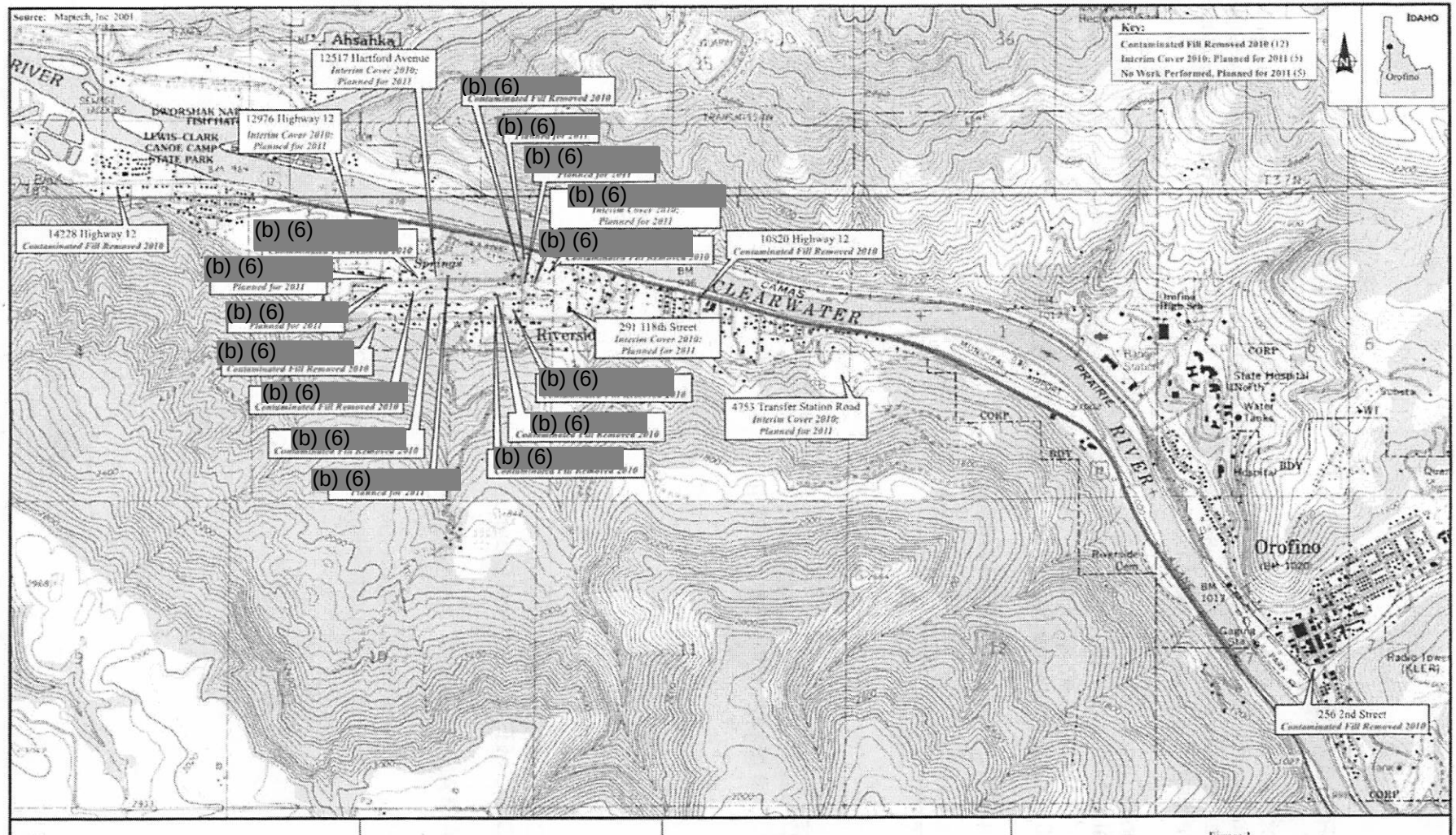
_____ Disapproval

_____
Daniel D. Opalski, Director
Office of Environmental Cleanup

_____
Date

XI. ATTACHMENTS

- Confidential Enforcement Addendum
- Figure 1- Property Status at the End of 2010



ecology and environment, inc.
Global Specialists in the Environment
Seattle, Washington

OROFINO ASBESTOS SITE
Orofino, Idaho

Figure 1
PROPERTY STATUS AT THE END OF 2010

Date:	Drawn by:	
5/10/11	AES	10:START-3:10080001\fig 1

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite

OFFICE OF
ENVIRONMENTAL CLEANUP

13 July 2011

SUBJECT: 2nd Amendment to the Action Memorandum for a Emergency Removal Action at the Orofino Asbestos Site, Orofino, Clearwater County, Idaho

FROM: Earl Liverman, Federal On-Scene Coordinator
Emergency Response Unit

THRU: Chris D. Field, Manager
Emergency Management Program

TO: Daniel D. Opalski, Director
Office of Environmental Cleanup

I. PURPOSE

The purpose of this Action Memorandum Amendment is to request and document approval of the selected removal action described herein, which is a change in the scope of the response, for the Orofino Asbestos Site (Site) in Orofino, Clearwater County, Idaho.

The proposed removal action is expected to be a potentially responsible party (PRP) lead action. The PRPs are Owyhee Construction, Riverside Water and Sewer District, and Riverview Construction. The removal action is expected to be conducted by the PRPs in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) with oversight by the U.S. Environmental Protection Agency (EPA).

II. SITE CONDITIONS AND BACKGROUND

The CERCLIS ID No. is IDN001002885 and the Site ID No. is 10JN.

A. Site Description

1. Removal site evaluation

The original Action Memorandum (dated 09/30/2010) identified seven locations, including property also known as the Riverview Construction Asbestos Site. The project ceiling for this action is $840,000. During conduct of this removal action, the U.S. Environmental Protection Agency (EPA) identified an additional fourteen locations[1]

[1] Note: This number has changed since the 1st amendment to the Action Memorandum. See the Site Characteristics section below for explanation.

where asbestos contaminated soil was placed as fill material (or was suspected to have been placed) as part of the 2008 Phase II and 2009 Phase III construction of waterline improvements for the Riverside Water and Sewer District (District) in the City of Orofino and Clearwater County, and EPA discovered many scattered pieces of suspected asbestos cement pipe (ACP) laying on the ground surface along public rights-of-way (ROW) where the Phase II and Phase III waterline improvements occurred.

The Ceiling Increase and Change in the Scope of Response Amendment (signed/approved 05/18/2011) to the original Action Memorandum enabled EPA to continue cleanup of the known and newly discovered locations where asbestos contaminated soil was placed as fill material or discarded along public ROWs. The project ceiling was increased to $1,176,000. To date, cleanup work was completed at 12 locations, interim gravel barriers were constructed at five locations, and work was postponed at four locations because the landowners could not be contacted or because the encroaching fall and winter weather prevented removal of the contaminated materials.

The purpose of this Amendment is to enable completion of the five locations where interim gravel barriers were constructed and where work was postponed until 2011 at the other four locations because the landowners could not be contacted or because of inclement weather.

The status of all currently known locations is summarized below in Table 1.

Table 1
Summary – Orofino Asbestos Locations

07/22/10 AM Location	2010 Work	2011 Work
12976 Highway 12	Interim Cover	X
09/30/10 AM Locations	**2010 Work**	**2011 Work**
(b) (6)	X	
14228 Highway 12	X	
(b) (6)	X	
(b) (6)	X	
291 118th Street	Interim Cover	X
4753 Transfer Station Road	Interim Cover	X
Locations Discovered During Fall 2010 Cleanup	**2010 Work**	**2011 Work**
(b) (6)	Interim Cover	X
(b) (6)		X
(b) (6)		X
12517 Hartford Avenue	Interim Cover	X
(b) (6)	X	
(b) (6)		X
(b) (6)		X
(b) (6)	X	
(b) (6)	X	
(b) (6)	X	

(b) (6)	X	
(b) (6)	X	
(b) (6)	X	
10820 Highway 12	X	

2. Physical location

All locations where soil containing ACP was placed as fill material are located within the City of Orofino or immediately outside the City limits in Clearwater County (Figure 1).

3. Site characteristics

The original Action Memorandum identified off-Site disposal as the method of disposal for the asbestos-contaminated soil. The proposed change in the scope of involves consolidation of asbestos-contaminated soil on-Site beneath a protective barrier because of the large quantity of contaminated soil that would have to be transported off-Site for disposal. Institutional controls will be imposed to ensure the continued protection of human health and the integrity of the cleanup action and the action is cost-effective. Additionally, the 130 122nd Street location was previously included in the 1st Amendment to the original Action Memorandum, but is not included in this amendment because the asbestos-containing cement or transite appears to be unrelated to the waterline improvements.

4. Release or threatened release into the environment of a hazardous substance, or pollutant, or contaminant

Refer to original Action Memorandum.

5. NPL status

Refer to original Action Memorandum.

6. Maps, pictures, and other graphic representations

Refer to attached Figure 1 (Property Status at the End of 2010).

B. Other Actions to Date

1. Previous actions

Refer to original Action Memorandum and 1st Amendment to the original Action Memorandum.

2. Current actions

Interim gravel barriers have been constructed at 5 locations pending final cleanup actions to be conducted during 2011.

C. State and Local Authorities' Roles

1. State and local actions to date

Refer to original Action Memorandum.

2. Potential for continued State/local response

Refer to original Action Memorandum.

3. Government-to-Government Consultation with the Nez Perce Tribe

Representatives of the Nez Perce Tribe were informed of the response action on 21 December 2010, and an offer to initiate government-to-government consultation was extended on 14 April 2011. A written response has not been received from the Tribe nor has there been any staff-to-staff exchange.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

Refer to original Action Memorandum.

IV. ENDANGERMENT DETERMINATION

Refer to original Action Memorandum.

V. CLEANUP ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

Consistent with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) [40 CFR 300.415(n)(3)], EPA has conducted community interviews with local officials, community residents, and other interested or affected parties, to solicit their concerns. Based on these interviews and other NCP considerations, EPA has determined that certain properties will be capped and other properties will be fully excavated, as indicated herein. In either case, EPA believes that human health will be protected and other removal criteria will be met.

1. Cleanup Action Description

The removal will address asbestos-containing material at the Site, including the following individual locations.

Individual Locations

a. 12976 Highway 12

The interim crushed rock barrier constructed over the asbestos contaminated soil placed as fill material at 12976 Highway 12 will be amended with an additional 8 to 12 inches of similar crushed rock, the existing fence limiting access to the property will be maintained, and institutional controls (ICs) will be imposed to prohibit activities that may interfere with maintenance and monitoring or may result in the release of asbestos that was contained as a part of the cleanup action. The current and reasonably anticipated future land use for this private location is commercial and the cleanup action will likely not impede this use.

b. 4753 Transfer Station Road

The interim crushed rock barrier constructed over the asbestos contaminated soil placed as fill material at 4753 Transfer Station Road will be removed, the contaminated soil will be excavated to the underlying native material, and the crushed rock and excavated material will be transported to 291 118th Street, Orofino, where the materials will be consolidated beneath an asphalt protective barrier. Large pieces of asphalt and/or concrete commingled with the contaminated soil may be removed and left on-Site provided the pieces are appropriately decontaminated. The native material will be determined visually, and the excavated area will be over-excavated by no more than an additional 6 inches to ensure that all asbestos was removed. One or more composite random soil samples will be collected and analyzed using Polarized Light Microscopy analysis to confirm removal of asbestos. Only the over-excavated material will be backfilled with clean material such as gravel or soil; the excavated contaminated material will not be replaced. Disturbed areas will be graded to ensure proper surface water drainage and seeded. This location is public property owned and administered by Clearwater County.

c. (b) (6)

The interim crushed rock barrier constructed over the asbestos contaminated soil placed as fill material at (b) (6) will be removed, the contaminated soil will be excavated to the underlying native material, and the crushed rock and excavated material will be transported to 291 118th Street, Orofino, where the materials will be consolidated beneath an asphalt protective barrier. The native material will be determined visually, and the excavated area will be over-excavated by no more than an additional 6 inches to ensure that all asbestos was removed. One or more composite random soil samples will be collected and analyzed using Polarized Light Microscopy analysis to confirm removal of asbestos. The excavation will be backfilled with clean material to pre-existing dimensions, grade, and lines to eliminate safety concerns associated with leaving a rough, uneven soil surface. The clean material will be graded to ensure proper surface water drainage and seeded. The current and reasonably anticipated future land use for this private location is residential and the cleanup action will likely not impede this use.

d. (b) (6)

The interim crushed rock barrier constructed over the asbestos contaminated soil placed as fill material at 12517 Hartford Avenue to construct a parking lot will be removed, the contaminated soil will be excavated to the underlying native material, and the crushed rock and excavated material will be transported to 291 118th Street, Orofino, where the materials will be consolidated beneath an asphalt protective barrier. The existing structural concrete retaining wall will be dismantled and set aside. The native material will be determined visually, and the excavated area will be over-excavated by no more than an additional 6 inches to ensure that all asbestos was removed. One or more composite random soil samples will be collected and analyzed using Polarized Light Microscopy analysis to confirm removal of asbestos. The excavation will be backfilled with clean material to pre-existing dimensions, grade, and lines to restore the parking lot and to eliminate safety concerns associated with leaving a rough, uneven soil surface. The retaining wall will also be reconstructed to pre-existing dimensions, grade, and lines using the original concrete components. A 4-inch layer of crushed gravel will be placed over the clean backfill material. The current and reasonably anticipated future land use for this location is private religious and the cleanup action will likely not impede this use.

e. (b) (6)

All asbestos contaminated soil placed as fill material to construct an access ramp at (b) (6) will be excavated to the underlying native material, and the excavated material will be transported to 291 118th Street, Orofino, where the material will be consolidated beneath an asphalt protective barrier. The native material will be determined visually, and the excavated area will be over-excavated by no more than an additional 6 inches to ensure that all asbestos was removed. One or more composite random soil samples will be collected and analyzed using Polarized Light Microscopy analysis to confirm removal of asbestos. Only the over-excavated material will be backfilled with clean material such as gravel or soil; the excavated contaminated material will not be replaced because the ramp provides only secondary access to the property. Disturbed areas will be graded to ensure proper surface water drainage and seeded. The current and reasonably anticipated future land use for this private location is residential and the cleanup action will likely not impede this use.

f. (b) (6)

All asbestos contaminated soil placed as fill material at (b) (6) will be excavated to the underlying native material, and the excavated material will be transported to 291 118th Street, Orofino, where the material will be consolidated beneath an asphalt protective barrier. The native material will be determined visually, and the excavated area will be over-excavated by no more than an additional 6 inches

to ensure that all asbestos was removed. One or more composite random soil samples will be collected and analyzed using Polarized Light Microscopy analysis to confirm removal of asbestos. Only the over-excavated material will be backfilled with clean material such as gravel or soil; the excavated contaminated material will not be replaced because the material is piled and has not been spread. Disturbed areas will be graded to ensure proper surface water drainage and seeded. The current and reasonably anticipated future land use for this private location is residential and the cleanup action will likely not impede this use.

g. (b) (6)

All asbestos contaminated soil placed as fill material at (b) (6) will be excavated to the underlying native material, and the excavated material will be transported to 291 118th Street, Orofino, where the material will be consolidated beneath an asphalt protective barrier. The native material will be determined visually, and the excavated area will be over-excavated by no more than an additional 6 inches to ensure that all asbestos was removed. One or more composite random soil samples will be collected and analyzed using Polarized Light Microscopy analysis to confirm removal of asbestos. The excavation will be backfilled with clean material to pre-existing dimensions, grade, and lines to eliminate safety concerns associated with leaving a rough, uneven soil surface. The clean material will be graded to ensure proper surface water drainage and seeded. The current and reasonably anticipated future land use for this private location is residential and the cleanup action will likely not impede this use.

h. (b) (6)

All asbestos contaminated soil placed as fill material at (b) (6) will be excavated to the underlying native material, and the excavated material will be transported to 291 118th Street, Orofino, where the material will be consolidated beneath an asphalt protective barrier. The native material will be determined visually, and the excavated area will be over-excavated by no more than an additional 6 inches to ensure that all asbestos was removed. One or more composite random soil samples will be collected and analyzed using Polarized Light Microscopy analysis to confirm removal of asbestos. The excavation will be backfilled with clean material to pre-existing dimensions, grade, and lines to eliminate safety concerns associated with leaving a rough, uneven soil surface. The clean material will be graded to ensure proper surface water drainage and seeded. The current and reasonably anticipated future land use for this private location is residential and the cleanup action will likely not impede this use.

i. 291 118th Street

All asbestos contaminated soil excavated as part of this cleanup action will be consolidated within an engineered structure designed and constructed to contain the asbestos contaminated soil and to prevent the release of the contaminated materials

contained as part of the cleanup action to ensure the continued protection of human health and the environment. The design will include placement of excavated asbestos contaminated soil, construction of a 4-inch asphalt barrier, construction of a modular concrete retaining wall, and appurtenant storm and surface water drainage features. Certain preliminary/intermediate design phase submittals such as drawings and specifications and maintenance and repair (M&R) requirements must be completed and approved before successive design phase documents are begun. Following the preliminary/intermediate phase, final construction drawings and specifications and O&M requirements will be submitted and approved before initiating construction activities. ICs will be imposed to prohibit activities that may interfere with maintenance and monitoring or may result in the release of asbestos that was contained as a part of the cleanup action. The current and reasonably anticipated future land use for this location is private religious and the cleanup action will likely not impede this use

Long-term Monitoring and Maintenance

A long-term maintenance and repair (M&R) program is expected to be conducted by the owners of property at 12976 Highway 12 and 291 118th Street where asbestos contaminated soil will remain on-Site, and subject to oversight under restrictive covenants consistent with state law. The M&R program is required to ensure the continued protection of human health of the cleanup action. ICs will be imposed to prohibit activities that may interfere with maintenance and monitoring or may result in the release of asbestos that was contained as a part of the cleanup action.

Removal of ACP from Public ROWs

The public ROWs where the District constructed the 2008 Phase II and 2009 Phase III waterline improvements will be surveyed to ensure that all ACP laying on the ground surface has been removed. Any found ACP will be removed and disposed of along with other contaminated material as described above.

Best-Management Practices (BMPs):

Temporary Best Management Practices (BMPs) will be implemented during cleanup activities to protect workers and the public from short-term construction impacts such as erosion, fugitive dust, and other similar potential impacts.

Greener Cleanup Best Management Practices

Appropriate and practicable greener cleanup BMPs will be encouraged during cleanup activities, including, but not limited to, minimizing energy consumption (e.g., using new and well-maintained equipment), minimizing generation and transport of fugitive dust (e.g., implementation of construction BMPs), minimizing waste generation through reuse (e.g., concrete and riprap) and recycling (e.g., recovered free product), minimizing impacts to water resources (e.g., implementation of construction stormwater and surface water BMPs), minimizing areas requiring activity or use limitations (e.g., source

removal), minimizing unnecessary soil and habitat disturbance, and minimizing lighting and noise disturbance (e.g., implementation of construction BMPs).

2. Contribution to remedial performance

Refer to original Action Memorandum.

3 Applicable or relevant and appropriate requirements (ARARs)

Refer to original Action Memorandum.

4. Project schedule

Cleanup activities will likely begin August 2011, and are expected to require 4 to 6 weeks to complete all activities.

B. Estimated Costs

The proposed removal action is expected to be a PRP-Financed action. However, if the PRPs are unwilling or unable to conduct the proposed removal, and EPA must do so, the EPA extramural costs for conducting the removal action described herein are estimated at $700,000, which is in addition to the $1,176,000 approved in the 1st Amendment (signed/approved 05/18/11). The project ceiling of $1,876,000 does not include estimates of other costs such as intramural direct labor, travel, indirect costs, and subsequent enforcement costs that are recoverable under Section 107 of CERCLA.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Refer to original Action Memorandum.

VII. OUTSTANDING POLICY ISSUES

None.

VIII. ENFORCEMENT

Refer to attached confidential enforcement addendum.

IX. RECOMMENDATION

This decision document sets forth the selected removal action for the Orofino Asbestos Site located in Orofino, Clearwater County, Idaho, that has been developed in accordance with CERCLA, and is consistent with the NCP. This decision is based on the administrative record for the Site.

Conditions at the Site continue to meet the NCP 40 C.F.R. § 300.415(b) criteria for a removal action and I recommend your approval of the recommended removal action. The recommended removal action is expected to be conducted by the PRPs with oversight by EPA. However, if the PRPs are unwilling or unable to conduct the recommended removal action, and EPA must undertake all removal action work, the total project ceiling is currently estimated to be $1,876,000.

X. APPROVAL/DISAPPROVAL

✓ Approval

Daniel D. Opalski, Director
Office of Environmental Cleanup

7/15/11
Date

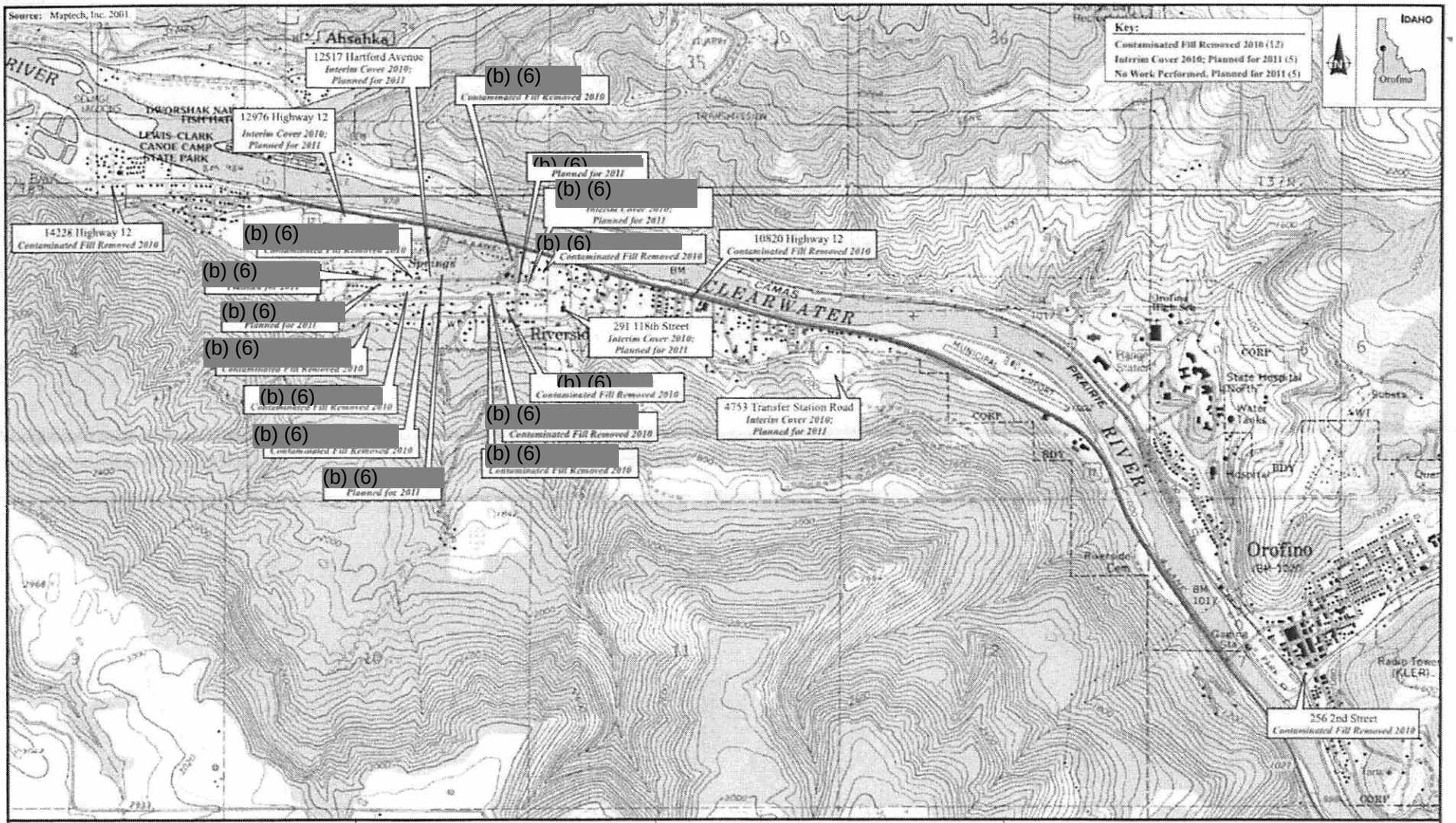
_____ Disapproval

_____
Daniel D. Opalski, Director
Office of Environmental Cleanup

_____
Date

XI. ATTACHMENTS

- Figure 1
- Confidential Enforcement Addendum
- Original Action Memorandum and 1st Amendment to the original Action Memorandum



ecology and environment, inc.
Global Specialists in the Environment
Seattle, Washington

OROFINO ASBESTOS SITE
Orofino, Idaho

Figure 1
PROPERTY STATUS AT THE END OF 2010

Date:	Drawn by:	
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
IDAHO OPERATIONS OFFICE
1435 N. Orchard St.
Boise, Idaho 83706

SUBJECT: Third Amendment to the Action Memorandum for an Emergency Removal at the Orofino Asbestos Site, Orofino, Clearwater County, Idaho

FROM: Greg Weigel, Federal On-Scene Coordinator
Emergency Response Unit

THRU: Chris D. Field, Manager
Emergency Management Program

TO: Daniel D. Opalski, Director
Office of Environmental Cleanup

I. PURPOSE

The purpose of this Action Memorandum Amendment is to request and document approval of a ceiling increase and an exemption to the statutory limits of 12 months and $2,000,000 for the removal action described herein for the Orofino Asbestos Site (Site) in Orofino, Clearwater County, Idaho.

II. SITE CONDITIONS AND BACKGROUND

This Amendment will address the failure of the repository retaining wall constructed as part of the removal action. The following is a brief overview of the action memorandum and amendments and construction and failure of the retaining wall. A more thorough description of the removal actions, along with construction of the retaining wall, is found in the 2010[1] and 2011[2] Removal Action Reports.

Action Memoranda

The original Action Memorandum (dated September 30, 2010) identified seven locations where asbestos contaminated material was placed as fill (or was suspected to have been placed), including property also known as the Riverview Construction Asbestos Site, during work associated with the 2008 Phase II and 2009 Phase III construction of waterline improvements for the Riverside Water and Sewer District (District) in the City of Orofino and Clearwater County. The total removal action project ceiling for this Action Memorandum was $840,000.

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[1] Ecology and Environment, Inc. (E & E), 22 June 2011, *2010 Removal Action Report, Orofino Asbestos Site, Orofino, Clearwater County, Idaho*, prepared for the U.S. Environmental Protection Agency, Seattle, Washington, under Contract No. EP-S7-06-02, TDD No. 10-09-0008.

[2] Ecology and Environment, Inc. (E & E). 8 March 2012, *2011 Removal Action Report, Orofino Asbestos Site, Orofino, Clearwater County, Idaho*, prepared for the U.S. Environmental Protection Agency, Seattle, Washington, under Contract No. EP-S7-06-02, TDD No. 10-09-0008.

After the original removal action was started on 13 October 2010, the U.S. Environmental Protection Agency (EPA) identified an additional fifteen locations where asbestos contaminated soil was placed as fill material (or was suspected to have been placed) during work associated with the 2008 Phase II and 2009 Phase III construction of waterline improvements for the District. Further, the EPA discovered many scattered pieces of suspected asbestos cement pipe (ACP) on the ground surface along public rights-of-way where the Phase II and Phase III waterline improvements occurred. The first Amendment (dated May 10, 2011) to the original Action Memorandum provided for a ceiling increase to address the additional locations and a change in the scope of response to provide for an interim gravel barrier to be placed on certain properties until a final cleanup action could be implemented during 2011. This Amendment increased the total removal project ceiling to $1,176,000.

The second Amendment (dated July 13, 2011) enabled completion of the five locations where interim gravel barriers were constructed in 2010 and where work was postponed until 2011 at four other locations because the landowners could not be contacted or because of inclement weather. This Amendment increased the total removal project ceiling to $1,876,000.

Repository Retaining Wall

The purpose of this Amendment is to address the failure of the repository retaining wall constructed as part of the 2011 removal action work.

Asbestos-contaminated soil removed from remote properties located within Orofino and Clearwater County was consolidated with existing contaminated soil at the First Baptist Church (Church) to create an on-Site repository. An engineered gravity-based retaining wall constructed with manufactured concrete blocks serves as north and west outer perimeter of the repository. Once all the asbestos-contaminated soil was placed and compacted, a protective barrier consisting of a 4-inch asphalt surface and a dry retention pond was constructed (refer to Attachment 1 – Site Figure).

During early March 2012, the Church Pastor contacted the EPA and provided photographs showing that the retaining wall had settled causing the upper tiers of the wall to move inward and the lower tiers to expand in several locations. An investigation of the repository revealed that heavy precipitation, including rain and snow, captured over the entire parking area and adjacent hillside coupled with snow plowed from the gravel and the asphalt parking areas overwhelmed the dry retention pond and added significant weight to the contaminated soil behind the retaining wall. When the contaminated soil became saturated with water, the soil further compacted due to additional weight from the stockpiled snow and caused soil particles to shift and fill in voids that were previously left. The soil had been compacted to 90%, but the retaining wall design did not anticipate the additional weight of the snow under saturated conditions. As the soil compacted, the concrete blocks that were using the soil for support were undermined and saturated soil on top of those blocks pushed down on the backside of the blocks causing the block to roll inward. After the initial failure the retaining wall system was compromised. The lower portion of the retaining wall which required the upper portion to work with it as a single unit now was being overloaded, both from an excessive amount of soil but also from the failed upper portion of the wall acting as a surcharge load.

The CERCLIS ID No. is IDN001002885 and the Site ID No. is 10JN.

A. Site Description

Refer to the original Action Memorandum.

B. Other Actions to Date

1. Previous actions

Refer to the original Action Memorandum.

2. Current actions

Two investigations have been performed to address failure of the repository wall. The purpose of the first investigation was to provide geotechnical consultation services for the proposed drywell to be constructed at the on-Site repository.[3] The purpose of the second investigation was to determine the extent of storm drainage facilities which will be required to treat and dispose of the increase in stormwater runoff created by construction of the on-Site repository.[4]

C. State and Local Authorities Roles

Refer to the original Action Memorandum.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The original Action Memorandum described those threats associated with asbestos and ACP on the ground. This Amendment describes those threats associated with asbestos and ACP from the on-Site repository because the retaining wall is failing and will continue to fail.

A. Threat to Public Health or Welfare

1. Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants [300.415(b)(2)(i)]

The elevated concentrations of chrysotile asbestos found at the Site indicate that the potential for inhalation exposures exists. The repository retaining wall is failing and will continue to fail, thus the asbestos disposed within the repository is susceptible to uncontrolled release to the environment.

As noted in the original Action Memorandum, there is not a known safe level or period of asbestos exposure. Exposure to airborne friable asbestos may result in potential health risks because persons breathing the air may breathe in asbestos fibers. Continued exposure can increase the amount of fibers that remain in the lungs. Fibers embedded in lung tissue over time may cause serious lung diseases, including asbestosis, lung cancer, or mesothelioma.

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[3] ALLWEST Testing & Engineering, LLC (ALLWEST), 23 May 2012, *Geotechnical Consultation, Orofino Baptist Church Drywell, 291 118th Street, Orofino, Idaho*, prepared for Environmental Quality Management.
[4] JM Engineering, 25 May 2012, *Storm Drainage Report for Soil Containment Project Site, Orofino, Idaho*, prepared for Environmental Quality Management, Seattle, Washington.

2. Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or to be released [300.415(b)(2)(v)]

As noted above in Section II, weather conditions were instrumental in causing the failure of the repository retaining wall. Heavy precipitation, including rain and snow, captured over the entire parking area and adjacent hillside coupled with snow plowed from the gravel and the asphalt parking areas overwhelmed the dry retention pond. Given the large dimensionality of the climate system, the repository is susceptible to continued structural degradation because of the potential for a particular weather event to cause greater damage to the retaining wall.

3. The availability of other appropriate federal or state response mechanisms to respond to the release [300.415(b)(2)(v)]

No other federal or state response mechanism has the capacity or willingness to perform the removal action in a timely manner.

IV. ENDANGERMENT DETERMINATION

Refer to the original Action Memorandum.

V. EXEMPTION FROM STATUTORY LIMITS

Consistent with Section 104(c)(1)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(c)(1)(A), a ceiling increase and an exemption from the statutory limits of 12 months and $2,000,000 is appropriate based on the following criteria:

A. There is an immediate risk to public health or welfare or the environment

The asbestos-contaminated soil consolidated within the on-Site repository presents an immediate risk to public health or welfare. The retaining wall system is compromised, and the retaining wall will continue to fail until the wall is rebuilt in accordance with the original design and with sufficient storm drainage installed. The risk of release of asbestos fibers is presently minimal due to the early stage of wall failure. However, if the wall is not addressed, it will continue to fail and inevitably result in the uncontrolled release of the asbestos fibers. Members of the Church, nearby residents, or other community members could potentially be exposed to asbestos-contaminated soil because of such a release.

As noted in Section III(A)(1), the elevated concentrations of chrysotile asbestos present at the Site indicate that the potential for inhalation exposures exists. There is no known safe level or period of asbestos exposure. Exposure to airborne friable asbestos may result in a potential health risk because persons breathing the air may breathe in asbestos fibers. Continued exposure can increase the amount of fibers that remain in the lungs. Fibers embedded in lung tissue over time may cause serious lung diseases, including asbestosis, lung cancer, or mesothelioma.

B. Continued response actions are immediately required to prevent, limit, or mitigate an emergency

Immediate implementation of the removal action selected in this Amendment is required to prevent, mitigate, or minimize the actual or potential human health risks posed by the asbestos-contaminated soil present at the Site. The retaining wall is failing and will continue to fail. As a result, there is a threat of

release of the asbestos from the repository. The damaging mechanical forces associated with the prior handling of the asbestos-contaminated soil may have caused the ACP within the repository to become further crumbled, pulverized, or reduced to powder, thereby increasing the risk of releasing asbestos fibers into the environment if disturbed.

Additionally, there are no physical barriers such as fences or administrative and/or legal controls that minimize the potential for human exposure to contamination due to failure of the retaining wall. The failure of the wall and repository must be addressed to eliminate risk of inhalation of asbestos fibers by members of the Church, nearby residents, or other community members.

C. Assistance will not otherwise be provided on a timely basis

As noted in Section III(A)(3), there are no known other appropriate federal or state response mechanisms or potentially responsible parties capable of providing the necessary resources in a prompt manner needed to address the actual or potential human health risks associated with the asbestos-contaminated soil.

VI. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed actions

1. Proposed action description

The retaining wall will be deconstructed and the asbestos-contaminated soil will be removed and staged temporarily elsewhere on-Site. The retaining wall will be reconstructed in accordance with the original wall design, and will include additional measures to address significant storm events and loading from anticipated snow removal activities at the Site. The contaminated soil will be replaced and free draining granular fill material and filter fabric will be placed between the contaminated soil and the retaining wall. Where necessary, the asphalt cap will be removed and replaced.

The dry retention pond will be deconstructed. A new drywell will be installed within the retention pond, and a PVC liner will be installed to collect snow melt and storm water and to convey the water to the drywell. The surface of the retention pond will be reconstructed and graded towards the drywell.

2. Contribution to remedial performance

Refer to the original Action Memorandum.

3. Engineering Evaluation/Cost Analysis (EE/CA)

Not applicable.

4. Applicable or relevant and appropriate requirements

Refer to the original Action Memorandum.

5. Project Schedule

The Response activities are expected to begin July 2012, and to require 10 to 11 weeks to complete.

B. Estimated Costs

EPA extramural costs for conducting the removal action described herein are estimated below:

Extramural Costs	Current Ceiling	Proposed Increase	Proposed Ceiling
Regional Allowance Costs ERRS Contractor	$1,581,000	$729,000	$2,310,000
Other Extramural Costs Not Funded from the Regional Allowance START Contractor	$295,000	$150,000	$445,000
Total Removal Action Project Ceiling	$1,876,000	$879,000	$2,755,000

The project ceiling does not include estimates of other costs -- such as intramural direct labor, travel, and indirect costs, and subsequent enforcement costs -- that are recoverable under Section 107 of CERCLA.

VII. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Refer to the original Action Memorandum.

VIII. OUTSTANDING POLICY ISSUES

None.

IX. ENFORCEMENT

Refer to attached confidential enforcement addendum.

X. DETERMINATION

Conditions at the Site meet the criteria for a CERCLA section 104(c) emergency exemption, and I recommend your approval of an exemption from the 12-month and $2,000,000 limitations, and a ceiling increase of $879,000. The total project ceiling if approved will be $2,755,000, of which an estimated $729,000 will be funded from the FY12 Regional removal allowance.

XI. APPROVAL/DISAPPROVAL

By the approval that appears below, the EPA selects the removal action for the Site as set forth in the recommendations contained in this Amendment together with the Action Memorandum.

Approve: X

Daniel D. Opalski, Director
Office of Environmental Cleanup

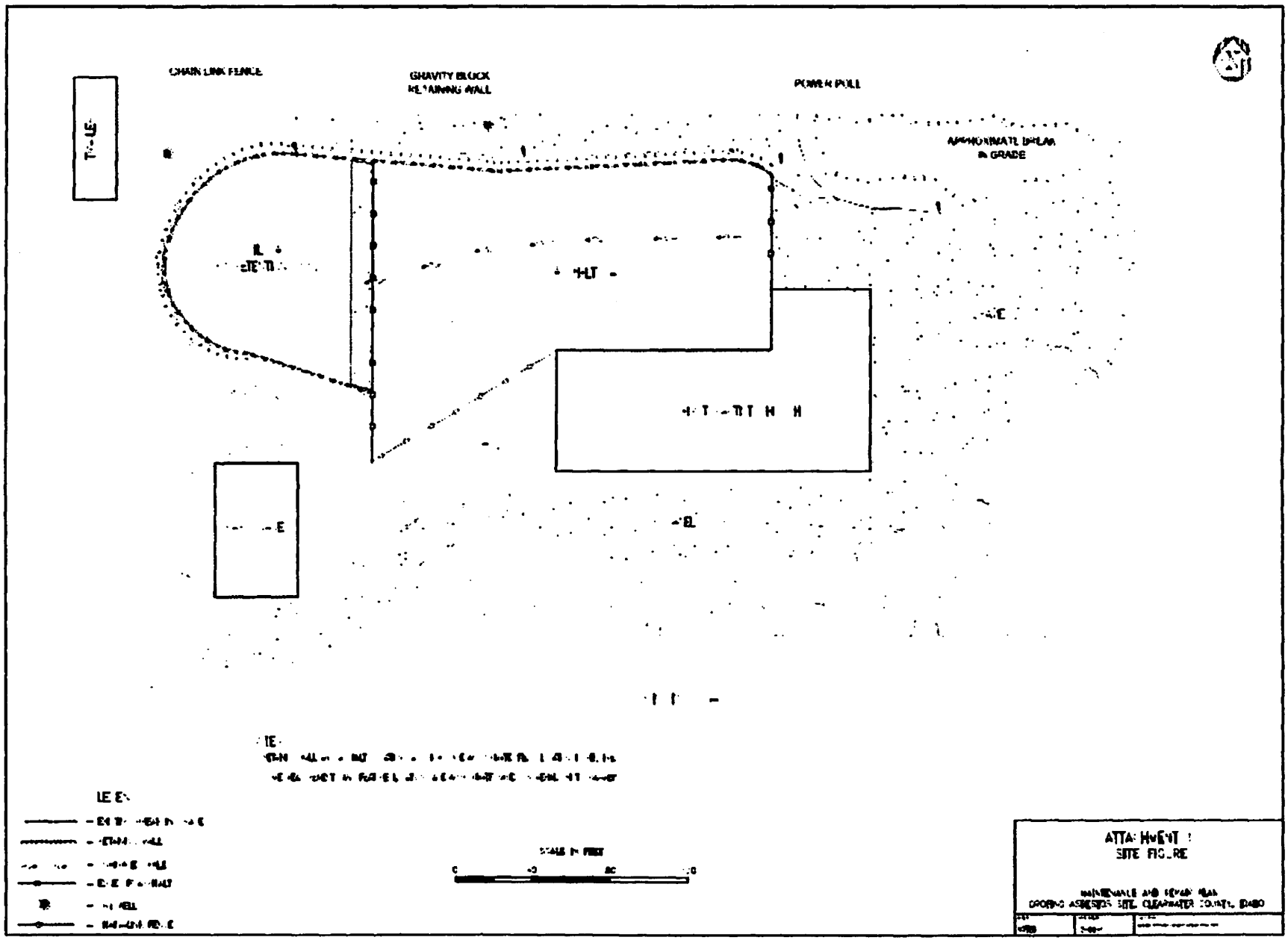
Disapprove: _____

_____
Daniel D. Opalski, Director
Office of Environmental Cleanup

Effective date of this Decision: 9/2/2012

XII. ATTACHMENTS

- Figure 1 – Site Figure
- Original Action Memorandum
- 1st Amendment to the Action Memorandum
- 2nd Amendment to the Action Memorandum
- Confidential Enforcement Addendum


CHAIN LINK FENCE
GRAVITY BLOCK
RETAINING WALL
POWER POLE
APPROXIMATE BREAK
IN GRADE
SCALE IN FEET
ATTACHMENT 1
SITE FIGURE

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

APR 07 2015

OFFICE OF
ENVIRONMENTAL
CLEANUP

SUBJECT: Fourth Amendment to the Action Memorandum for a Time-Critical Removal at the Orofino Asbestos Site, Orofino, Clearwater County, Idaho

FROM: Angelica Zavala, Federal On-Scene Coordinator
Emergency Response Unit

THRU: Wally Moon, Unit Manager
Emergency Preparedness and Prevention Unit

TO: Chris D. Field, Program Manager
Emergency Management Program

I. PURPOSE

The purpose of this Amendment is to request and document approval of a ceiling increase for the removal action described herein for the First Baptist Church (Church) Repository, Orofino Asbestos Site (Site) in Orofino, Clearwater County, Idaho. The proposed removal action will be performed by the U.S. Environmental Protection Agency (EPA) in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

The proposed ceiling increase of $372,000 will bring the total project ceiling to $3,127,000. The removal action continues to meet the original exemption criteria from the statutory limits of 12 months and $2,000,000 as documented in the third Amendment. Additionally, because the proposed action will repair or replace work previously performed by the EPA, a change in the scope of response is not needed.

II. SITE CONDITIONS AND BACKGROUND

The Site description and background have not changed from the descriptions provided in the Action Memorandum signed on July 22, 2010, and provided as an attachment, and subsequent Amendments, except for the following conditions at the Church repository that have occurred since the third Amendment:

- The vegetation placed over the dry retention basin did not establish;
- Certain sections of the asphalt cap have experienced preferential settlement and must be replaced; and
- The width of the current path leading to the lower north wall is too narrow and its grade is too steep to enable access by conventional lawn maintenance equipment and must be widened and grade lessened.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The Action Memorandum describes the Site-wide threats associated with asbestos-contaminated soil and materials. This Amendment discusses only those threats that will be addressed at the Church repository by the proposed removal action described herein.

1. Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants [300.415(b)(2)(i)]

The elevated concentrations of chrysotile asbestos found at the repository indicate that the potential for inhalation exposures exists. Because of the lack of vegetation and other surface water drainage issues associated with the dry retention basin, wind and surface water and mechanical erosion could eventually expose and damage the protective polyvinyl chloride (PVC) liner, which could expose the underlying asbestos-contaminated material and soil. As noted in the Action Memorandum, there is not a known safe level or period of asbestos exposure. Exposure to airborne friable asbestos may result in potential health risks because persons breathing the air may breathe in asbestos fibers. Continued exposure can increase the amount of fibers that remain in the lungs. Fibers embedded in lung tissue over time may cause serious lung diseases, including asbestosis, lung cancer, or mesothelioma.

2. Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or to be released [300.415(b)(2)(v)]

Weather conditions (e.g., arid conditions, relatively low annual precipitation, and temperature extremes) have contributed to the situation at the Church repository that requires repair. The freezing and thawing cycle caused by the cold winters and warm summers, the dry and windy conditions in the summers, and mechanical forces such as pedestrian use will continue to cause erosion of the soil cap in the dry retention basin. The erosion of the soil cap could result in exposure and damage to the PVC liner which could eventually result in the release of the asbestos-contaminated soil and material found beneath the cap. Seasonal weather changes will also likely exacerbate damage to the settled sections of the asphalt cap.

IV. EXEMPTION FROM STATUTORY LIMITS

The removal action continues to meet the original exemption criteria from the statutory limits of 12 months and $2,000,000 as documented in the third Amendment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed actions

1. Proposed action description

Figure 1 illustrates the current layout of the repository, and Figure 2 illustrates the proposed response to the threats discussed in Section III of this Amendment. The proposed actions are consistent with the scope of the response described in the Action Memorandum and subsequent Amendments.

Proposed Action

On three occasions, the EPA and its contractors have met on-site with representatives of the Church to evaluate conditions at the repository and to discuss why the following actions are appropriate for the situation.

Dry Retention Basin

Approximately 6 inches of the 8 to 12 inch soil cap will be excavated from the dry retention basin and stockpiled for use elsewhere on-site. The remaining soil will be left in-place to prevent damaging the PVC liner placed over the asbestos-contaminated soil and materials. The dry retention basin will be backfilled with a high-quality topsoil and graded to facilitate surface water drainage toward the retention basin drywell. A hydroseed mixture that is well-suited to the local climate will be applied to the soil, and the Church will be provided with a water system to assist with the establishment of the vegetation.

Asphalt Cap

A licensed asphalt contractor will replace and/or repair sections of the asphalt cap where preferential settlement has occurred to facilitate surface water drainage toward the dry retention basin.

Access Ramp

- The existing path at the northeast corner of the retaining wall will be rebuilt to allow access to the area below the wall along the northern property boundary. The construction of this access ramp will enable the Church to perform required maintenance (i.e., removal of vegetation and lawn mowing) at the base of the retention wall and periodic monitoring of the wall.

Note: A comparison was conducted on disposal of the asbestos-contaminated soil and materials from the repository versus conducting the repairs needed at the site was analyzed during the preparation of this removal action. There is approximately 11,702 yd3 of contaminated soil currently in the repository. Approximately 10,420 yd3 had been placed at the repository as fill. During the 2011 removal action, EPA placed an additional 1660 yd3 there from other contaminated properties while building the repository. In 2012, during the re-build of the retaining wall and the addition of the dry well, 378 yd3 was transported off-site to allow room for the dry well, so the current total of contaminated soil remaining is approximately 11,702 yd3. ERRS has estimated that it will cost about $3 million to conduct the disposal of the asbestos-contaminated soil and materials at an off-site location. At this time, the Emergency Management Program believes conducting the repairs is the most suitable option.

Post-Removal Site Controls (PRSCs)

By agreement between the EPA and First Baptist Church (made verbally and recorded via email), the Agency was to construct the repository and the Church was to maintain it and record its obligation pursuant to the State of Idaho's Uniform Environmental Covenant Act (UECA) provision. Environmental covenants will be recorded in a local land records office once the terms of the operation and maintenance requirements and land use restrictions are finalized by the EPA and the Church and the repository's construction is completed. Also to be defined is whether these environmental covenants will be 'held' by the State of Idaho or the Nez Perce tribe, which may hold the environmental covenants because although the Site is privately owned, it sits on tribal land.

Best-Management Practices (BMPs)

Appropriate and practicable construction and conservation measures (or BMPs) will be implemented during removal action activities to protect workers and the public from short-term construction impacts such as erosion and sedimentation, fugitive dust, and other similar impacts.

Greener Cleanup Best Management Practices

Appropriate and practicable greener cleanup BMPs will be implemented during cleanup activities, including, but not limited to, minimizing energy consumption, minimizing generation and transport of fugitive dust, minimizing waste generation through reuse and recycling, minimizing impacts to water resources, minimizing areas requiring activity or use limitations, minimizing unnecessary habitat disturbance, and minimizing lighting and noise disturbance.

2. Contribution to remedial performance

The contribution to remedial performance has not changed from the description provided in the Action Memorandum.

3. Engineering Evaluation/Cost Analysis (EE/CA)

Not applicable.

4. Applicable or relevant and appropriate requirements (ARARs)

The identification of and compliance with ARARs has not changed from the description provided in the Action Memorandum.

5. Project Schedule

Response actions are expected to begin April 20, 2015, and to require 14 to 21 days to complete.

B. Estimated Costs

Estimated EPA extramural costs for conducting the removal action described herein are shown below:

Extramural Costs	Current Ceiling	Proposed Increase	Proposed Ceiling
Regional Allowance Costs ERRS Contractor	$2,310,000	$230,000.00	$2,540,000
Other Extramural Costs Not Funded from the Regional Allowance START Contractor	$445,000	$80,000.00	$525,000
Subtotal Intramural Costs	$2,755,000	$310,000	$3,065,000
Extramural Cost Contingency (20%)		$62,000	$62,000

Total Removal Action Project Ceiling	$2,755,000	$372,000	$3,127,000

The total removal action project ceiling does not include estimates of other costs such as intramural direct labor, travel, and indirect costs, and subsequent enforcement costs that are recoverable under Section 107 of CERCLA.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Refer to the original Action Memorandum.

VII. OUTSTANDING POLICY ISSUES

None.

VIII. ENFORCEMENT

Refer to the Action Memorandum confidential enforcement addendum.

IX. DETERMINATION

This decision document represents the selected removal action for the First Baptist Church Repository, Orofino Asbestos Site, Orofino, Clearwater County, Idaho, developed in accordance with CERCLA, as amended, and is consistent with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This decision is based on the administrative record for the Site.

Conditions at the Site meet the NCP section 300.415(b) criteria for a removal action and the criteria for a CERCLA section 104(c) emergency exemption, and I recommend your approval of a ceiling increase of $372,000. The total project ceiling if approved will be $3,127,000, of which an estimated $372,000 will be funded from the fiscal year 2015 Regional removal allowance.

X. APPROVAL/DISAPPROVAL

By the approval that appears below, the EPA selects the removal action for the Site as set forth in the recommendations contained in this Amendment together with the Action Memorandum and other Amendments.

Approve: ✓

Chris D. Field, Program Manager
Emergency Management Program

Disapprove: _____

_____
Chris D. Field, Program Manager
Emergency Management Program

Effective date of this Decision: _____

XII. ATTACHMENTS

- Figure 1 – Site Figure
- Figure 2 – Site Figure
- Action Memorandum
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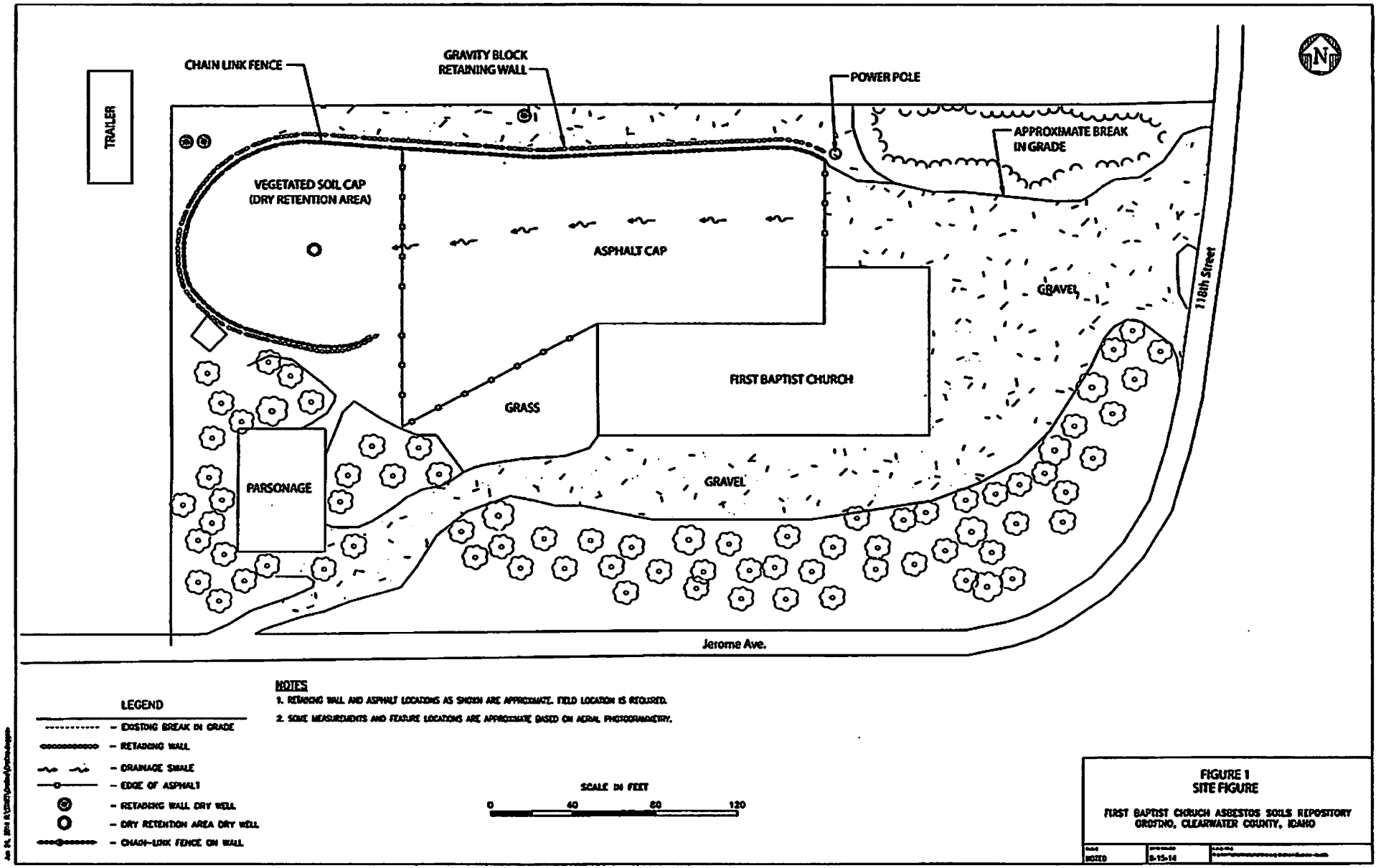


LEGEND

- EXISTING BREAK IN GRADE
- RETAINING WALL
- DRAINAGE SWALE
- EDGE OF ASPHALT
- RETAINING WALL DRY WELL
- DRY RETENTION AREA DRY WELL
- CHAIN-LINK FENCE ON WALL

NOTES

1. RETAINING WALL AND ASPHALT LOCATIONS AS SHOWN ARE APPROXIMATE. FIELD LOCATION IS REQUIRED.
2. SOME MEASUREMENTS AND FEATURE LOCATIONS ARE APPROXIMATE BASED ON AERIAL PHOTOGRAMMETRY.

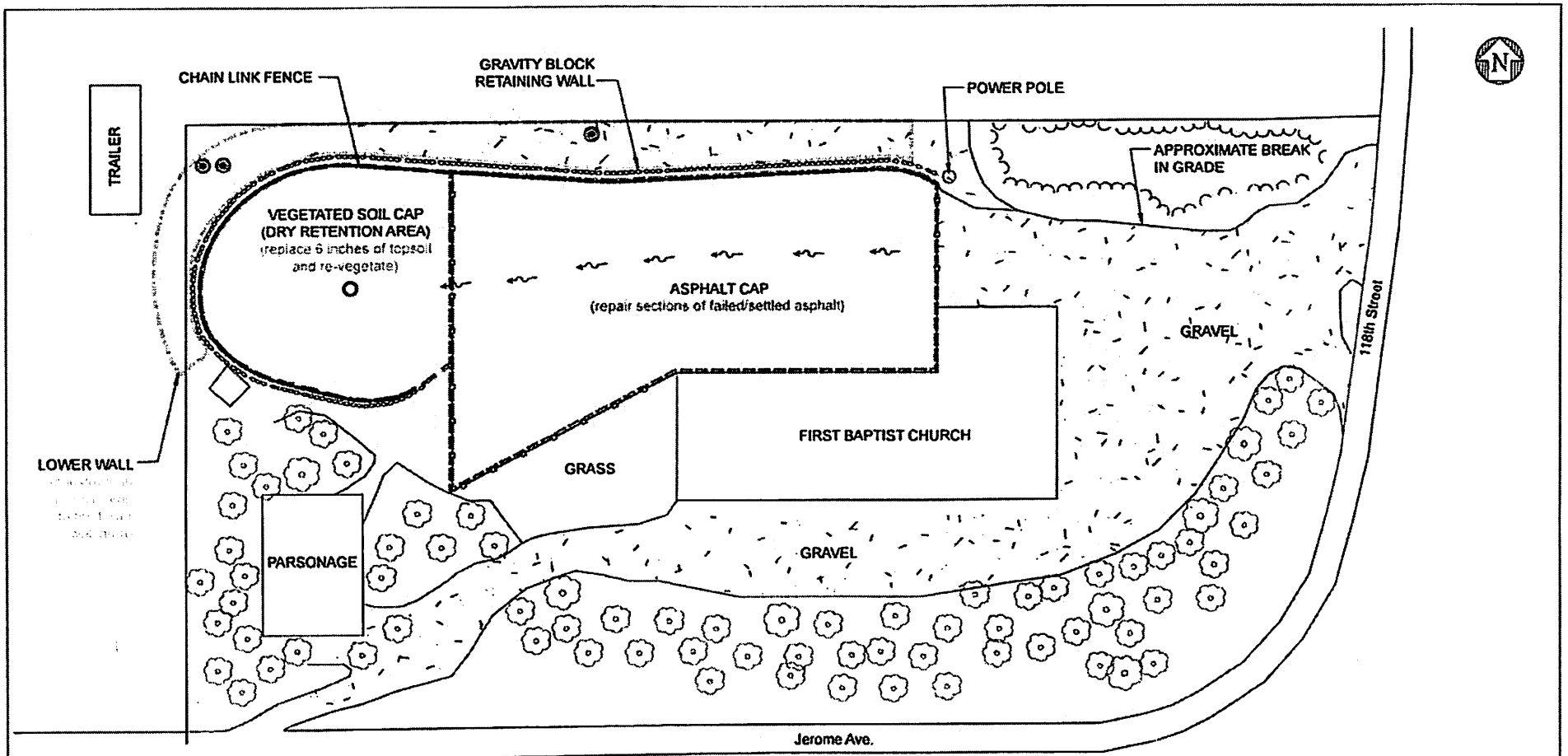
SCALE IN FEET

0 40 80 120

FIGURE 1
SITE FIGURE

FIRST BAPTIST CHURCH ASBESTOS SOILS REPOSITORY
OROFINO, CLEARWATER COUNTY, IDAHO

	9-15-14	



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LEGEND

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SCALE IN FEET

0 40 80 120

FIGURE 2
PLANNED REPAIRS

FIRST BAPTIST CHRUCH ASBESTOS SOILS REPOSITORY
OROFINO, CLEARWATER COUNTY, IDAHO

NOTES | 5-15-18

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

APR 07 2015

OFFICE OF
ENVIRONMENTAL
CLEANUP

SUBJECT: Fourth Amendment to the Action Memorandum for a Time-Critical Removal at the Orofino Asbestos Site, Orofino, Clearwater County, Idaho

FROM: Angelica Zavala, Federal On-Scene Coordinator
Emergency Response Unit

THRU: Wally Moon, Unit Manager
Emergency Preparedness and Prevention Unit

TO: Chris D. Field, Program Manager
Emergency Management Program

I. PURPOSE

The purpose of this Amendment is to request and document approval of a ceiling increase for the removal action described herein for the First Baptist Church (Church) Repository, Orofino Asbestos Site (Site) in Orofino, Clearwater County, Idaho. The proposed removal action will be performed by the U.S. Environmental Protection Agency (EPA) in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

The proposed ceiling increase of $372,000 will bring the total project ceiling to $3,127,000. The removal action continues to meet the original exemption criteria from the statutory limits of 12 months and $2,000,000 as documented in the third Amendment. Additionally, because the proposed action will repair or replace work previously performed by the EPA, a change in the scope of response is not needed.

II. SITE CONDITIONS AND BACKGROUND

The Site description and background have not changed from the descriptions provided in the Action Memorandum signed on July 22, 2010, and provided as an attachment, and subsequent Amendments, except for the following conditions at the Church repository that have occurred since the third Amendment:

- The vegetation placed over the dry retention basin did not establish;
- Certain sections of the asphalt cap have experienced preferential settlement and must be replaced; and
- The width of the current path leading to the lower north wall is too narrow and its grade is too steep to enable access by conventional lawn maintenance equipment and must be widened and grade lessened.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The Action Memorandum describes the Site-wide threats associated with asbestos-contaminated soil and materials. This Amendment discusses only those threats that will be addressed at the Church repository by the proposed removal action described herein.

1. Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants [300.415(b)(2)(i)]

The elevated concentrations of chrysotile asbestos found at the repository indicate that the potential for inhalation exposures exists. Because of the lack of vegetation and other surface water drainage issues associated with the dry retention basin, wind and surface water and mechanical erosion could eventually expose and damage the protective polyvinyl chloride (PVC) liner, which could expose the underlying asbestos-contaminated material and soil. As noted in the Action Memorandum, there is not a known safe level or period of asbestos exposure. Exposure to airborne friable asbestos may result in potential health risks because persons breathing the air may breathe in asbestos fibers. Continued exposure can increase the amount of fibers that remain in the lungs. Fibers embedded in lung tissue over time may cause serious lung diseases, including asbestosis, lung cancer, or mesothelioma.

2. Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or to be released [300.415(b)(2)(v)]

Weather conditions (e.g., arid conditions, relatively low annual precipitation, and temperature extremes) have contributed to the situation at the Church repository that requires repair. The freezing and thawing cycle caused by the cold winters and warm summers, the dry and windy conditions in the summers, and mechanical forces such as pedestrian use will continue to cause erosion of the soil cap in the dry retention basin. The erosion of the soil cap could result in exposure and damage to the PVC liner which could eventually result in the release of the asbestos-contaminated soil and material found beneath the cap. Seasonal weather changes will also likely exacerbate damage to the settled sections of the asphalt cap.

IV. EXEMPTION FROM STATUTORY LIMITS

The removal action continues to meet the original exemption criteria from the statutory limits of 12 months and $2,000,000 as documented in the third Amendment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed actions

1. Proposed action description

Figure 1 illustrates the current layout of the repository, and Figure 2 illustrates the proposed response to the threats discussed in Section III of this Amendment. The proposed actions are consistent with the scope of the response described in the Action Memorandum and subsequent Amendments.

Proposed Action

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Access Ramp

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Note: A comparison was conducted on disposal of the asbestos-contaminated soil and materials from the repository versus conducting the repairs needed at the site was analyzed during the preparation of this removal action. There is approximately 11,702 yd3 of contaminated soil currently in the repository. Approximately 10,420 yd3 had been placed at the repository as fill. During the 2011 removal action, EPA placed an additional 1660 yd3 there from other contaminated properties while building the repository. In 2012, during the re-build of the retaining wall and the addition of the dry well, 378 yd3 was transported off-site to allow room for the dry well, so the current total of contaminated soil remaining is approximately 11,702 yd3. ERRS has estimated that it will cost about $3 million to conduct the disposal of the asbestos-contaminated soil and materials at an off-site location. At this time, the Emergency Management Program believes conducting the repairs is the most suitable option.

Post-Removal Site Controls (PRSCs)

By agreement between the EPA and First Baptist Church (made verbally and recorded via email), the Agency was to construct the repository and the Church was to maintain it and record its obligation pursuant to the State of Idaho's Uniform Environmental Covenant Act (UECA) provision. Environmental covenants will be recorded in a local land records office once the terms of the operation and maintenance requirements and land use restrictions are finalized by the EPA and the Church and the repository's construction is completed. Also to be defined is whether these environmental covenants will be 'held' by the State of Idaho or the Nez Perce tribe, which may hold the environmental covenants because although the Site is privately owned, it sits on tribal land.

Best-Management Practices (BMPs)

Appropriate and practicable construction and conservation measures (or BMPs) will be implemented during removal action activities to protect workers and the public from short-term construction impacts such as erosion and sedimentation, fugitive dust, and other similar impacts.

Greener Cleanup Best Management Practices

Appropriate and practicable greener cleanup BMPs will be implemented during cleanup activities, including, but not limited to, minimizing energy consumption, minimizing generation and transport of fugitive dust, minimizing waste generation through reuse and recycling, minimizing impacts to water resources, minimizing areas requiring activity or use limitations, minimizing unnecessary habitat disturbance, and minimizing lighting and noise disturbance.

2. Contribution to remedial performance

The contribution to remedial performance has not changed from the description provided in the Action Memorandum.

3. Engineering Evaluation/Cost Analysis (EE/CA)

Not applicable.

4. Applicable or relevant and appropriate requirements (ARARs)

The identification of and compliance with ARARs has not changed from the description provided in the Action Memorandum.

5. Project Schedule

Response actions are expected to begin April 20, 2015, and to require 14 to 21 days to complete.

B. Estimated Costs

Estimated EPA extramural costs for conducting the removal action described herein are shown below:

Extramural Costs	Current Ceiling	Proposed Increase	Proposed Ceiling
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Other Extramural Costs Not Funded from the Regional Allowance START Contractor	$445,000	$80,000.00	$525,000
Subtotal Intramural Costs	$2,755,000	$310,000	$3,065,000
Extramural Cost Contingency (20%)		$62,000	$62,000

Total Removal Action Project Ceiling	$2,755,000	$372,000	$3,127,000

The total removal action project ceiling does not include estimates of other costs such as intramural direct labor, travel, and indirect costs, and subsequent enforcement costs that are recoverable under Section 107 of CERCLA.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Refer to the original Action Memorandum.

VII. OUTSTANDING POLICY ISSUES

None.

VIII. ENFORCEMENT

Refer to the Action Memorandum confidential enforcement addendum.

IX. DETERMINATION

This decision document represents the selected removal action for the First Baptist Church Repository, Orofino Asbestos Site, Orofino, Clearwater County, Idaho, developed in accordance with CERCLA, as amended, and is consistent with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This decision is based on the administrative record for the Site.

Conditions at the Site meet the NCP section 300.415(b) criteria for a removal action and the criteria for a CERCLA section 104(c) emergency exemption, and I recommend your approval of a ceiling increase of $372,000. The total project ceiling if approved will be $3,127,000, of which an estimated $372,000 will be funded from the fiscal year 2015 Regional removal allowance.

X. APPROVAL/DISAPPROVAL

By the approval that appears below, the EPA selects the removal action for the Site as set forth in the recommendations contained in this Amendment together with the Action Memorandum and other Amendments.

Approve: ✓

Chris D. Field, Program Manager
Emergency Management Program

Disapprove: _____

_____
Chris D. Field, Program Manager
Emergency Management Program

Effective date of this Decision: _____

XII. ATTACHMENTS

- Figure 1 – Site Figure
- Figure 2 – Site Figure
- Action Memorandum
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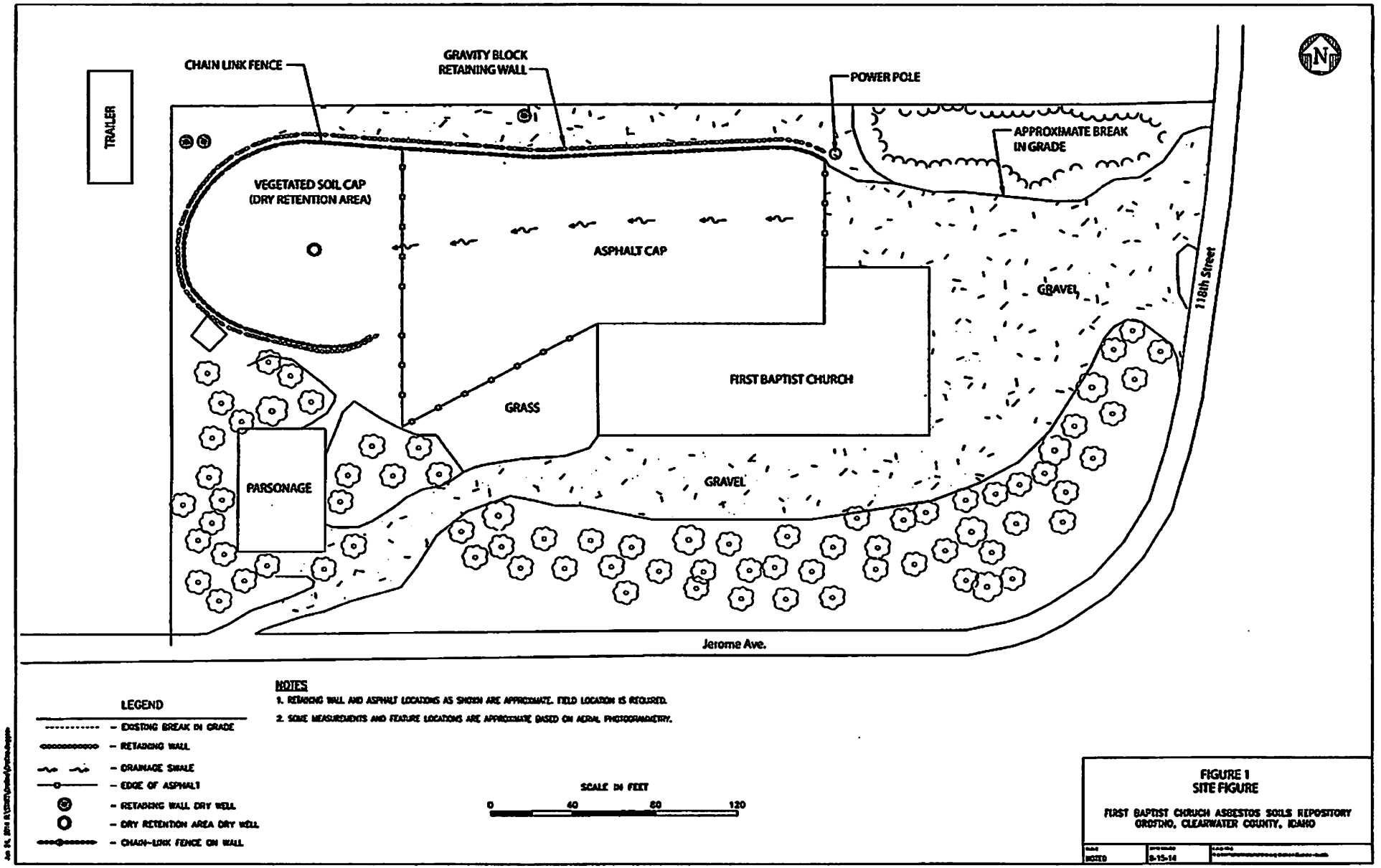

LEGEND

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NOTES

1. RETAINING WALL AND ASPHALT LOCATIONS AS SHOWN ARE APPROXIMATE. FIELD LOCATION IS REQUIRED.
2. SOME MEASUREMENTS AND FEATURE LOCATIONS ARE APPROXIMATE BASED ON AERIAL PHOTOGRAMMETRY.

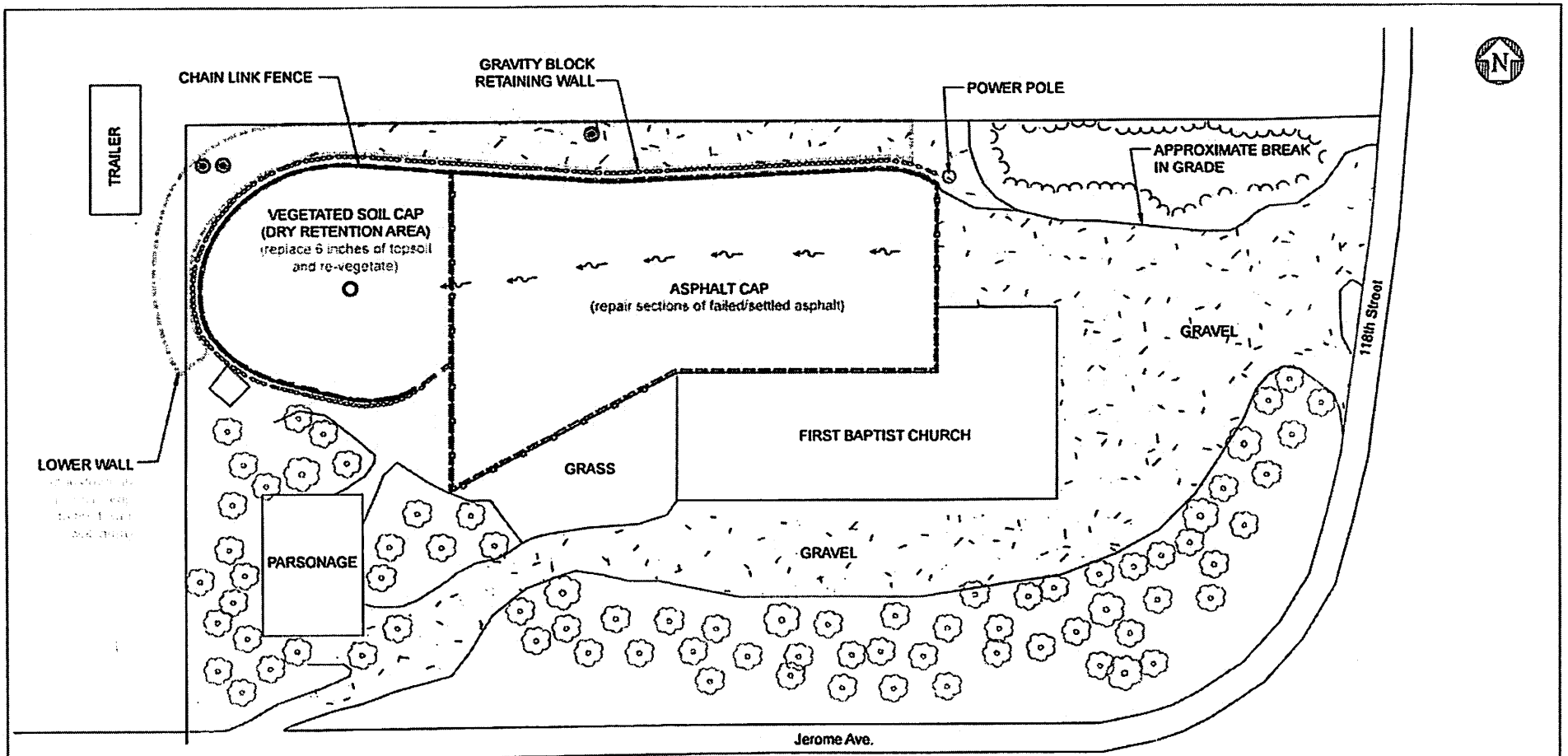
SCALE IN FEET

0 40 80 120

FIGURE 1
SITE FIGURE

FIRST BAPTIST CHURCH ASBESTOS SOILS REPOSITORY
OROFINO, CLEARWATER COUNTY, IDAHO

	9-15-14	



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LEGEND

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SCALE IN FEET

0 40 80 120

FIGURE 2
PLANNED REPAIRS

FIRST BAPTIST CHRUCH ASBESTOS SOILS REPOSITORY
OROFINO, CLEARWATER COUNTY, IDAHO

NOTES | 5-15-18

ENFORCEMENT CONFIDENTIAL
ATTORNEY-CLIENT COMMUNICATION
PRIVILEDGED AND CONFIDENTIAL

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

Reply To: ORC-158

SUBJECT: Confidential Enforcement Addendum; Action Memorandum Amendment for Ceiling Increase at the Orofino Asbestos Site, Orofino, Clearwater County, Idaho

FROM: Stephanie Mairs
Assistant Regional Counsel
Office of Regional Counsel

THRU: Dean Ingemansen
Unit Manager
Office of Regional Counsel

Greg Weigel, Federal On-Scene Coordinator
Emergency Response Unit
Emergency Management Program

Wally Moon, Manager
Spill Prevention and Removal Unit
Emergency Management Program

TO: Chris D. Field, Manager
Emergency Management Program

SITE ID: 10JN

(b) (5), (b) (7)(A)

(b) (5), (b) (7)(A)

[redacted]

[redacted]

[redacted]